

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

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DISTRICT ATTORNEY

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March 20, 2014

Police Chief Frank McCoy
Oceanside Police Department
3855 Mission Avenue
Oceanside, CA 92054

Re: Non-fatal shooting of Mr. Gregory Dale Foley on September 1, 2013, by Oceanside Police Officer Corey Kaldenbach; OPD Case No. 13-011784; DA Special Operations Case No. 13-113PS; Deputy District Attorney assigned: Assistant Chief Fiona Khalil

Dear Chief McCoy:

We have reviewed the reports and other materials compiled by your Criminal Investigation Division concerning the shooting of Mr. Gregory Foley on September 1, 2013, by Officer Corey Kaldenbach. A District Attorney Investigator responded to the scene and was briefed by your investigators. The case materials were presented to the District Attorney's Office for review on October 15, 2013.

Synopsis

Oceanside Police officers responded to a 9-1-1 call from a residence. The residents were an elderly couple, Beverly and Milford Foley, and their adult son Gregory Foley. Beverly called 9-1-1 to report she had been attacked by her son. Officers found Beverly badly injured and bleeding from multiple wounds. Beverly told officers Milford was inside alone with Gregory. Officers tried to speak with Gregory through the door but he was uncooperative. Fearing that Milford was in danger, officers entered the residence where they were confronted by Gregory who was armed with a knife. Gregory refused to comply with demands to drop the knife and was shot by Officer Kaldenbach. He survived his injury.

Persons Involved

Mr. Gregory Foley was a 56-year-old resident of Oceanside at the time of the shooting.

OPD Officer Corey Kaldenbach had been a police officer for six years and was a member of the SWAT team at the time of the shooting.

Shooting

Milford and Beverly Foley are in their 80's. Oceanside police officers responded to a family disturbance on Milano Way involving the Foleys, and their adult son Gregory Foley. Officers spoke with the occupants. An hour later Beverly called 9-1-1 to report she had been attacked by her son.

The officers found Beverly injured in the open garage and called for additional officers to assist. Seven additional officers responded including a supervisor, K-9 Unit and officers armed with less lethal force options. Officers could see a bloody scene inside the residence and did not get any response from Milford Foley when they yelled out to him. Fearing Milford Foley was injured, officers formed a tactical entry team of seven officers entered the residence.

Once inside the home Gregory Foley confronted the officers with a kitchen knife as the officers made their way up the stairs to the second floor. Officers gave Gregory Foley verbal commands to drop the knife but he did not comply. Officers fired at Gregory with 40mm "sponge" rounds (a form of less lethal force consisting of rubber and plastic) but they had no effect on him. After being struck with the sponge rounds, Foley walked towards a bedroom still holding the knife. Officers had not yet been able to locate Milford Foley. Officer Kaldenbach fired one round at Foley with his M4 Carbine. The round struck a wall near the stairs before hitting Foley in the left shoulder. Foley continued into the bedroom with officers following. Inside the bedroom Foley was hit again with sponge rounds and a K-9 was deployed. The dog bit Foley allowing officers to take him into custody without additional shots being fired although Foley continued to physically resist. Milford Foley was found locked in the upstairs bathroom uninjured.

Investigation

The crime scene was secured and an investigation was conducted. Milford Foley suffers from dementia and is cared for by Beverly. There have been ongoing family disturbances involving Milford, Beverly and Gregory Foley. OPD officers were familiar with the family and had responded to calls for service in the past involving arguments between the Milford Foley and Gregory Foley.

All reports, diagrams, recorded witness interviews, OPD radio transmissions including the 9-1-1 call were reviewed. On the recorded 9-1-1 call made by Beverly, Gregory can be heard in the background continuing to threaten her and saying, "You're dead."

The knife carried by Gregory was a plastic handled steak knife with a 5" blade. It was found in the bedroom where he was taken into custody by officers. Officer Kaldenbach fired one .223 round from his M4 Carbine. The cartridge casing was found on the stairs in a location consistent with Kaldenbach's stated firing location as well as other officers' accounts of the shooting.

Officer Kaldenbach's Statement

Officer Kaldenbach was dispatched to the call of an assault with a deadly weapon. The police dispatcher broadcast that the subject was armed with a knife and could be heard in the background saying, "you're going to die." As he approached the home, Kaldenbach saw a police lieutenant walking with Beverly Foley who was covered in blood. Kaldenbach told investigators he was part of the entry team that entered the house. He described seeing the telephone off the hook and large amounts of blood throughout the house. Kaldenbach removed the family dog from the residence and went back inside.

Gregory Foley was on the stairs and the officers were not in position to deploy a Taser effectively and the sponge rounds had no effect. Kaldenbach recalls hearing another officer yell, "He's got a knife." Gregory would move toward and then away from the officers with the knife and eventually reached the second floor. As Gregory made his way to the bedroom, Kaldenbach called out to him, "Stop, come back, stop!" The bedroom was a concern to Kaldenbach who explained, "...I felt as though he was going to go hurt his father the same way he did his mother, fearing that he was going to hurt somebody or possibly kill them, I took a shot at him..."

Injuries

Beverly Foley's injuries consisted of multiple stab wounds to the scalp, face and extremities as well as facial fractures. She was treated at Scripps La Jolla.

Gregory Foley suffered a through and through gunshot wound to the left shoulder and multiple lacerations from the dog bite. He was treated at Scripps La Jolla.

Charges

Gregory Foley was charged with the attempted murder of Beverly Foley, two counts of elder abuse, false imprisonment of an elder and felony resisting arrest. His case is currently set for trial on April 29, 2014.

Legal Analysis

This review was conducted pursuant to the joint protocol between this office and all San Diego law enforcement agencies calling upon the District Attorney to conduct an independent review of the circumstances surrounding the use of deadly force.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm and to use reasonable force in making an arrest. California Penal Code section 835a allows an officer to use reasonable force to make an arrest and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of that person's resistance.

In accordance with Penal Code section 196, peace officers may use deadly force in the course of their duties under circumstances not available to members of the general public. We are mindful, however, that certain limits on the use of deadly force apply to peace officers. The U.S. Ninth Circuit Court of Appeals, in the case of *Scott v. Henrich* (9th Cir. 1994) 39 F.3d 912, delineated those circumstances under which deadly force may be used:

[P]olice may use only such force as is objectively reasonable under the circumstances. An officer's use of deadly force is reasonable only if 'the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.' All determinations of unreasonable force 'must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense,

uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.” [Citations omitted.]

Conclusions

Officer Corey Kaldenbach responded to a family disturbance where 81 year old Beverly Foley was found with stab wounds and major injuries as a result of an attack by Gregory Foley. Attempts to call out to 86-year-old Milford Foley went unanswered and Gregory Foley refused to come out of the home. Officers were in a situation where they reasonably believed Milford was inside severely injured or in imminent danger.

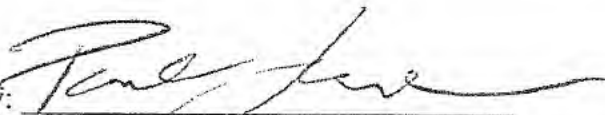
Once inside the residence, officers found Gregory Foley armed with a knife. He failed to comply with verbal commands and less lethal force was used unsuccessfully. Officers had not yet located Milford Foley and did not know if he was safe when Officer Kaldenbach fired on Gregory in an attempt to stop him from potentially inflicting harm on his father. Gregory Foley's behavior created a situation where Officer Kaldenbach and other officers reasonably feared for Milford Foley's safety as well as their own. Kaldenbach's use of deadly force under these circumstances is therefore reasonable and he bears no criminal liability for his actions.

A copy of this letter, along with the materials submitted for our review will be retained in our files.

Sincerely,

BONNIE M. DUMANIS
District Attorney
County of San Diego

By:



PAUL AZEVEDO
Deputy District Attorney
Chief, Special Operations Division

BMD:PA:jh

CALL SLIP

Use Blue or Black Ink Only. Press Firmly. MILITARY TIME ONLY!

Specimen Specialists of America, Inc. 2003-A Opportunity Drive, Ste. #5 Roseville, CA 95678 24 hr Dispatch: 1-888-502-1098 Fax: 1-877-514-2592		Call Slip No. - 51957 <u>Liliana Nido</u> Phlebotomist Name: <u>CPT # 50704</u> First Last	
Phlebotomist Called - Date: <u>01/01/13</u> Time: <u>2224</u>			
ETA of Subject: <u>on site</u>		Location: <u>scripps LA Jolla</u>	
Phlebotomist Arrival - Date: <u>01/01/13</u> Time: <u>2240</u>		Kit #: <u>N/A</u> Event/Case #: <u>94890</u>	
Name of Subject: <u>FOLEY, GREGORY</u>		Puncture Site: <u>(L) ARM</u>	
Witnessing Officer's Name: <u>Reez Jose</u>		I.D. No: <u>1197</u>	
Witnessing Officer's Signature: <u>[Signature]</u>		Agency: <u>Oceanside PD</u>	
Officer: Was 30 minute time limit met by the Phlebotomist? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Officer Initials: <u>JAP</u>			
Phlebotomist Signature: <u>Liliana Nido</u>		Work Completed - Date: <u>01/01/13</u> Time: <u>2247</u>	
<input checked="" type="checkbox"/> Blood Alcohol <input type="checkbox"/> Urine Alcohol <input type="checkbox"/> DNA <input type="checkbox"/> Suspect Kit			
<input checked="" type="checkbox"/> Blood Drug <input type="checkbox"/> Urine Drug <input type="checkbox"/> Dry Run <input type="checkbox"/> Sit Down			
<input type="checkbox"/> Other (explanation required)			

Comments/ Reason 30 minutes not met: _____



San Diego County SHERIFF'S DEPARTMENT

BOOKING INTAKE / PERSONAL PROPERTY INVENTORY

FIRST TWO BOXES TO BE COMPLETED BY JAIL STAFF		
Jail Booking Number Assigned	Pre-Intake Clerk ID #	Agency Case # 13011784

PERSONAL INFORMATION				PROPER COMPLETION OF THIS FORM WILL EXPEDITE YOUR BOOKING			
Name: Last, First Middle FOLEY, GREGORY		Suffix D		Race W	Sex M	Age	Date of Birth (mm/dd/yyyy) [REDACTED]
Alias Names: Last, First Middle		Suffix					Passport #
Height 5'9	Weight 170	Hair BRO	Eyes BLU	Place of Birth: City / State / Country OCEANSIDE			Citizenship (Country)
Home Address [REDACTED]		Street OCEANSIDE		City	State	Zip	Home Phone ()
Employer Name		Street		City	State	Zip	Work Phone ()
Social Security Number [REDACTED]		DL, State ID or Other ID Number [REDACTED]		License State CA	ARREST REMARKS:		

ARREST INFORMATION			
Arresting Agency CPD	Arrest Date / Time 09-01-13 1825	Billing Agency	Location of Arrest (Beat # or Street Address and City) [REDACTED] 051DE
Arresting Officer: Name & ID	Transporting Officer & ID#:	Vehicle Location: <input type="checkbox"/> Left At Scene <input type="checkbox"/> Towed By: N/A	
		TOTAL BAIL AMOUNT:	

ARREST #1 (Field Charges or Warrant Information)			ARREST #2 (Additional Warrants or Additional Charges)		
Section	Code	Description	Section	Code	Description
1		PC 664/187 - ATTEMPT MURDER	1		
2		(1 COUNT)	2		
3		PC 368(B)(1) - ELDER ABUSE	3		
4		(2 COUNTS)	4		
5			5		

PERSONAL PROPERTY INVENTORY		HOLDS: <input type="checkbox"/> FEDERAL <input type="checkbox"/> STATE PAROLE <input type="checkbox"/> IMMIGRATION			
PREBOOK ARJIS		BOOK ARJIS			
Cash Accounting (USA Currency Only)					
x \$1 = \$		WALLET: Y__ N__		BELT: Y__ N__	
x \$2 = \$		PURSE: Y__ N__		GLASSES: Y__ N__	
x \$5 = \$		CELL PHONE: Y__ N__		KEYS: Y__ N__	
x \$10 = \$		WATCH: Y__ N__		SHOES: Y__ N__	
x \$20 = \$		YM		YM	
x \$50 = \$		WM		WM	
x \$100 = \$		OTHER		OTHER	
TOTAL \$		ADDITIONAL PROPERTY REMARKS:			
Sealed Bag w/Inmate Property Delivered to Jail YES <input type="checkbox"/> NO <input type="checkbox"/>		Inmate's Signature		Arresting Officer's Signature	



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1**

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GENERAL CASE INFORMATION

Primary Charge: 664 /187 (A) - PC - ATTEMPTED MURDER (F)			
Special Studies:		Related Cases:	
Location: City, State, ZIP: [REDACTED]		Occurred On: 09/01/2013 18:10:00 (Sunday)	
Jurisdiction: Oceanside - B6	Beat: 032	Call Source:	(and Between):
Means: 22 - Inflicted Injury 60 - Exhibited Weapon		Motives: 08 - To injure the Victim	

VICTIM/S**Victim #1**

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer		
Name: [REDACTED]	Victim Type: I - Individual	Interpreter Language:

ALIAS / AKA / NICKNAME / MONIKER:				
Name Type:	First:	Middle:	Last:	Suffix:

Victim Of: 664 /187 (A) - PC - ATTEMPTED MURDER (F)			County Residence: R - Resident					
Home Address, City, State, ZIP: [REDACTED]			Res. Country:	Place of Birth:				
Undocumented:								
Race: W	Sex: F	Date of Birth / Age: [REDACTED] 81	Height: 5' 4"	Weight: 150 lbs	Hair Color: BLU	Eye Color: GRY	Facial Hair:	Complexion:
Employment Status:	Occupation/Grade:	Employer/School:	Employer Address, City, State, ZIP:					

CONTACT INFORMATION:	
Type: HP - Home Phone	Number/Address: [REDACTED]

IDENTIFICATION:			
Type: DLN - Drivers License Number	Number: [REDACTED]	State: CA	Country:
Attire:	Injury: L - Severe Laceration O - Other Major Injury	Extent of Treatment: 03 - Hospital	Violent Crime Circumstances: 01 - Argument

LAW ENFORCEMENT OFFICER KILLED OR ASSAULTED INFORMATION	Type:	Type Activity:	Type Assignment:
VICTIM OFFENDER RELATIONSHIPS	Offender: S1 - Foley, Gregory Dale	Relationship: PA - Victim Was Parent	

IBR/UCR OFFENSE/S

Offense Description: 664 /187 (A) - PC - ATTEMPTED MURDER (F)	Level: F	Against: PE	Completed?: Yes	Counts:	Using:
Location Type: 204 - Single Detached Home	Hate/Bias: 88 - None (No Bias)	Domestic Violence: No			
Criminal Activity:	Type Security:	Gang Related: No	Entry:	Point of Entry:	
Weapons/Force: 20 - Knife/Cutting Instrument (Icepick, Ax, Etc.) 40 - Personal Weapons (Threats, Hands, Fists, Feet, etc.)	Tools:	Targets: COM5 - Person			

Reporting Officer: OC1303 - Wheeler, Mark	Division / Organization: Field Operations NW MW FRONT	Reviewed By: OC0724 - Christensen, Matt
Report Date: 9/2/2013 1:03:42 AM	Detective Assigned: OC1210 - LaVake, Mark	Reviewed Date: 09/03/2013 11:33:38



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1****2**

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ARRESTEE/S**SUSPECT/S (Not Yet Arrested)****Suspect #1**

Name: Foley, Gregory Dale				County Residence: R - Resident				Interpreter Language:			
ALIAS / AKA / NICKNAME / MONIKER:											
Name Type:		First:		Middle:		Last:		Suffix:			
Home Address, City, State, ZIP: 4525 Milano Way, Oceanside, CA 92057						Res. Country:		Place of Birth: California		Undocumented:	
Race: W	Sex: M	Date of Birth / Age: 56	Height: 5' 9"	Weight: 170 lbs	Hair Color: BRO	Eye Color: BLU	Facial Hair:		Complexion:		
Hair Style:		Hair Length:		Build:		Teeth:		Suspected User:			
Employment Status:		Occupation/Grade:		Employer/School:		Employer Address, City, State, ZIP:					
CONTACT INFORMATION:											
Type: HP - Home Phone				Number/Address: [REDACTED]							
IDENTIFICATION:											
Type: DLN - Drivers License Number		Number: [REDACTED]		State: CA		Country:					
Type: SSN - SSN		Number: [REDACTED]		State:		Country:					
SCARS, MARKS, TATTOOS, ODDITIES:											
Attire:				Suspect Actions: 03 - Suspect Armed 27 - Inflicted Injury,							

WITNESSES**Witness #1**

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer											
Witness Type Code: <input type="checkbox"/> 01-Arresting Officer <input type="checkbox"/> 06-Other Lay Witness <input type="checkbox"/> 07-Narc Chemist <input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other											
Name: Wheeler, M				Person Code:				County Residence:			
ALIAS / AKA / NICKNAME / MONIKER:											
Name Type:		First:		Middle:		Last:		Suffix:			
Home Address, City, State, ZIP:						Res. Country: USA		Place of Birth:		Undocumented:	
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:		Complexion:		
Employment Status:		Occupation/Grade: POLICE		Employer/School: OPD/SES		Employer Address, City, State, ZIP:					
CONTACT INFORMATION:											
Type: WP - Work Phone				Number/Address: 760 435-4900							
IDENTIFICATION:											
Type:		Number:		State:		Country:					
Injury:				Extent of Treatment:							

Witness #2

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer											
Witness Type Code: <input type="checkbox"/> 01-Arresting Officer <input type="checkbox"/> 06-Other Lay Witness <input type="checkbox"/> 07-Narc Chemist <input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other											
Name: Samoa, S				Person Code:				County Residence:			

Reporting Officer OC1303 - Wheeler, Mark		Division / Organization Field Operations NW MW FRONT		Reviewed By OC0724 - Christensen, Matt	
Report Date 9/2/2013 1:03:42 AM		Detective Assigned OC1210 - LaVake, Mark		Reviewed Date 09/03/2013 11:33:38	



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**Primary Victim: [REDACTED]Report No. **13011784.1****3**

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Name Type:										First:										Middle:										Last:										Suffix:																			
Home Address, City, State, ZIP:																				Res. Country: USA										Place of Birth:										Undocumented:																			
Race:					Sex:					Date of Birth / Age:										Height:					Weight:					Hair Color:					Eye Color:					Facial Hair:										Complexion:									
Employment Status:										Occupation/Grade: Police Officer										Employer/School: OPD										Employer Address, City, State, ZIP:																													
CONTACT INFORMATION:																																																											
Type: WP - Work Phone																				Number/Address: 760 435-4900																																							
IDENTIFICATION:																																																											
Type:																				Number:										State:										Country:																			
Injury:																				Extent of Treatment:																																							

Witness #3

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: HARDY, R				Person Code:		County Residence:	

Name Type:										First:										Middle:										Last:										Suffix:																			
Home Address, City, State, ZIP:																				Res. Country:										Place of Birth:										Undocumented:																			
Race:					Sex:					Date of Birth / Age:										Height:					Weight:					Hair Color:					Eye Color:					Facial Hair:										Complexion:									
Employment Status:										Occupation/Grade: SGT POLICE										Employer/School: OPD										Employer Address, City, State, ZIP:																													
CONTACT INFORMATION:																																																											
Type: WP - Work Phone																				Number/Address: 760 435-4900																																							
IDENTIFICATION:																																																											
Type:																				Number:										State:										Country:																			
Injury:																				Extent of Treatment:																																							

Witness #4

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: KALDENBACH, C				Person Code:		County Residence:	

Name Type:										First:										Middle:										Last:										Suffix:																			
Home Address, City, State, ZIP:																				Res. Country: USA										Place of Birth:										Undocumented:																			
Race:					Sex:					Date of Birth / Age:										Height:					Weight:					Hair Color:					Eye Color:					Facial Hair:										Complexion:									
Employment Status:										Occupation/Grade: POLICE OFFICER										Employer/School: OPD										Employer Address, City, State, ZIP: 3855 Mission Ave, Oceanside, CA 92058																													
CONTACT INFORMATION:																																																											
Type: WP - Work Phone																				Number/Address: 760 435-4900																																							
IDENTIFICATION:																																																											
Type:																				Number:										State:										Country:																			
Injury:																				Extent of Treatment:																																							

Reporting Officer OC1303 - Wheeler, Mark		Division / Organization Field Operations NW MW FRONT		Reviewed By OC0724 - Christensen, Matt	
Report Date 9/2/2013 1:03:42 AM		Detective Assigned OC1210 - LaVake, Mark		Reviewed Date 09/03/2013 11:33:38	



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**Primary Victim: [REDACTED]Report No. **13011784.1****4**

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Witness #5

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name:	Weber, L			Person Code:				
				County Residence:				
ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:			Res. Country:	Place of Birth:	Undocumented:			
			USA					
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status:		Occupation/Grade:	Employer/School:		Employer Address, City, State, ZIP:			
		Police Officer	Oceanside Police Department		3855 Mission Ave, Oceanside, CA 92054			
CONTACT INFORMATION:								
Type:	WP - Work Phone			Number/Address:	760 435-4900			
IDENTIFICATION:								
Type:	Number:			State:	Country:			
Injury:			Extent of Treatment:					

Witness #6

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name:	Wagner, F			Person Code:				
				County Residence:				
ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:			Res. Country:	Place of Birth:	Undocumented:			
			USA					
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status:		Occupation/Grade:	Employer/School:		Employer Address, City, State, ZIP:			
		SES/GSU	OPD		3855 Mission Ave, Oceanside, CA 92056			
CONTACT INFORMATION:								
Type:	WP - Work Phone			Number/Address:	760 435-4900			
IDENTIFICATION:								
Type:	Number:			State:	Country:			
Injury:			Extent of Treatment:					

Witness #7

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer				
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other		
Name:	Willms, J J			Person Code:				
				County Residence:	R - Resident			
ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:	First:	Middle:	Last:	Suffix:				
Home Address, City, State, ZIP:			Res. Country:	Place of Birth:	Undocumented:			
3855 Mission Ave, Oceanside, CA 92058			USA					
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
	M							
Employment Status:		Occupation/Grade:	Employer/School:		Employer Address, City, State, ZIP:			
		Police Officer	Oceanside Police Department		3855 Mission Ave, Oceanside, CA 92058			

Reporting Officer	Division / Organization	Reviewed By
OC1303 - Wheeler, Mark	Field Operations NW MW FRONT	OC0724 - Christensen, Matt
Report Date	Detective Assigned	Reviewed Date
9/2/2013 1:03:42 AM	OC1210 - LaVake, Mark	09/03/2013 11:33:38



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1****5**
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CONTACT INFORMATION:			
Type: WP - Work Phone		Number/Address: 760 435-4900	
IDENTIFICATION:			
Type:	Number:	State:	Country:
Injury:	Extent of Treatment:		

Witness #8

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name: Trabelsi, A			Person Code:	County Residence:		

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:		First:	Middle:	Last:	Suffix:			
Home Address, City, State, ZIP:				Res. Country: USA	Place of Birth:	Undocumented:		
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status:		Occupation/Grade: Police Officer	Employer/School: OPD		Employer Address, City, State, ZIP:			

CONTACT INFORMATION:			
Type: WP - Work Phone		Number/Address: 760 435-4911	
IDENTIFICATION:			
Type:	Number:	State:	Country:
Injury:	Extent of Treatment:		

Witness #9

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name: Hay, S			Person Code:	County Residence:		

ALIAS / AKA / NICKNAME / MONIKER:								
Name Type:		First:	Middle:	Last:	Suffix:			
Home Address, City, State, ZIP:				Res. Country: USA	Place of Birth:	Undocumented:		
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:
Employment Status:		Occupation/Grade: Police Officer	Employer/School: OPD		Employer Address, City, State, ZIP:			

CONTACT INFORMATION:			
Type: WP - Work Phone		Number/Address: 760 435-4900	
IDENTIFICATION:			
Type:	Number:	State:	Country:
Injury:	Extent of Treatment:		

Witness #10

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other
Name: Nevares, R			Person Code:	County Residence:		

Reporting Officer OC1303 - Wheeler, Mark	Division / Organization Field Operations NW MW FRONT	Reviewed By OC0724 - Christensen, Matt
Report Date 9/2/2013 1:03:42 AM	Detective Assigned OC1210 - LaVake, Mark	Reviewed Date 09/03/2013 11:33:38



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1****6**

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Name Type:		First:		Middle:		Last:		Suffix:	
Home Address, City, State, ZIP:				Res. Country: USA		Place of Birth:		Undocumented:	
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:	
Employment Status:	Occupation/Grade: Police		Employer/School: OPD		Employer Address, City, State, ZIP:				
CONTACT INFORMATION:									
Type:					Number/Address:				
IDENTIFICATION:									
Type:			Number:		State:			Country:	
Injury:					Extent of Treatment:				

OTHER ENTITIES**Other Entity #1**

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer									
Name: [REDACTED]				Entity Type: FA - Father		Person Code:		County Residence: R - Resident	
ALIAS / AKA / NICKNAME / MONIKER:									
Name Type:		First:		Middle:		Last:		Suffix:	
Home Address, City, State, ZIP:				Res. Country: US		Place of Birth:		Undocumented:	
Race: W	Sex: M	Date of Birth / Age: [REDACTED] 86	Height: 5' 7"	Weight: 140 lbs	Hair Color: GRY	Eye Color: BLU	Facial Hair:	Complexion:	
Employment Status:	Occupation/Grade:		Employer/School:		Employer Address, City, State, ZIP:				
CONTACT INFORMATION:									
Type: HP - Home Phone					Number/Address: [REDACTED]				
IDENTIFICATION:									
Type: DLN - Drivers License Number			Number: [REDACTED]		State: CA			Country:	
Injury:					Extent of Treatment:				

Other Entity #2

Person Code: <input type="checkbox"/> Secured Premise <input type="checkbox"/> Discovered Crime <input type="checkbox"/> Reporting Party <input type="checkbox"/> Law Enforcement Officer									
Name: [REDACTED]				Entity Type: 10 - Brother		Person Code:		County Residence:	
ALIAS / AKA / NICKNAME / MONIKER:									
Name Type:		First:		Middle:		Last:		Suffix:	
Home Address, City, State, ZIP:				Res. Country:		Place of Birth:		Undocumented:	
Race:	Sex:	Date of Birth / Age:	Height:	Weight:	Hair Color:	Eye Color:	Facial Hair:	Complexion:	
Employment Status:	Occupation/Grade:		Employer/School:		Employer Address, City, State, ZIP:				
CONTACT INFORMATION:									
Type: MP - Mobile Phone					Number/Address: [REDACTED]				
IDENTIFICATION:									
Type:			Number:		State:			Country:	
Injury:					Extent of Treatment:				

Reporting Officer OC1303 - Wheeler, Mark		Division / Organization Field Operations NW MW FRONT		Reviewed By OC0724 - Christensen, Matt	
Report Date 9/2/2013 1:03:42 AM		Detective Assigned OC1210 - LaVake, Mark		Reviewed Date 09/03/2013 11:33:38	



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1****7**

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PROPERTY**REPORT NARRATIVE****ORIGIN:**

On 9/1/13 at about 1810 hours I responded to a radio call of a battery in progress, possibly involving a knife, at [REDACTED] I was in full police uniform and driving a marked Oceanside Police vehicle at the time of my response.

Prior to the above radio call I had responded to a family disturbance at [REDACTED] at about 1710 hours on 9/1/13. I have responded to this address multiple times in the past regarding family disturbances involving the son Gregory Foley, the father [REDACTED] In my past responses I have never seen any signs of physical contact between the parties. The arguments typically involve verbal confrontations between the parties regarding the adult son, Gregory, and his alcohol consumption and his aggressiveness toward his parents. All the parties involved have been advised of the eviction process and the legal grounds regarding eviction. In relation to this response, both [REDACTED] had no injuries and it was explained by [REDACTED] to me that it was a verbal argument between [REDACTED] and Gregory. [REDACTED] was unwilling to talk to me, but did allow me to observe his physical condition. [REDACTED] appeared unharmed at the time of the response. I left the residence shortly after and advised [REDACTED] to call 911 if Gregory became aggressive toward either her or [REDACTED]

OFFICERS OBSERVATIONS AND ACTIONS:

While responding to the second radio call at [REDACTED] OPD dispatch advised that they could hear a subject over the phone say, "You are dead." I responded to the scene with lights and siren based on the fact that a knife was potentially involved and that someone was heard by dispatch in the background referencing killing someone.

As I entered the cul-de-sac of Milano Way, I immediately saw and recognized [REDACTED] who was in her garage with what appeared to be significant injuries to her head and body. I could see from about 100 feet away that she had been viciously attacked. I immediately requested backup from other officers and response from paramedics to the scene. As I approached [REDACTED] I could see that she was covered in blood and had significant injuries to her face, head and arms. I could not tell the extent of the injuries immediately, but there was a significant amount of blood on her clothes and body. While tending to [REDACTED] she acknowledged that Gregory had attacked her in the house and caused the injuries to her person. [REDACTED] was unsure of her husband's condition and could not provide any further details to me regarding the attack. Lieutenant Cosby assisted with securing [REDACTED] and escorted her to safety. I maintained security of the exterior of the residence until other officers arrived on scene. See Officer Willms' report for further details regarding the injuries sustained by [REDACTED] suffered stab wounds to her hands, arms, head and face. She also suffered extensive injury to her right eye socket.

While waiting for assistance, the front door of the residence opened and I could clearly see and identify Gregory in the open doorway. I gave verbal commands for Gregory to exit the house at which point Gregory told me, "Fuck you. You come in and get me." Based on the circumstances I did not approach the residence. I held my position and waited for assistance.

Reporting Officer OC1303 - Wheeler, Mark	Division / Organization Field Operations NW MW FRONT	Reviewed By OC0724 - Christensen, Matt
Report Date 9/2/2013 1:03:42 AM	Detective Assigned OC1210 - LaVake, Mark	Reviewed Date 09/03/2013 11:33:38



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1****8**

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My primary concern became the welfare of [REDACTED] Knowing that Gregory was inside the residence and [REDACTED] was also in the residence I believed the exigency of the situation was elevated to confirm [REDACTED] medical condition given the possibility of his being assaulted by Gregory. We immediately formed an entry team and held a perimeter around the residence.

The entry team later deployed and made contact with Gregory inside the residence. Gregory was injured during the confrontation and later transported to TCMC for medical care. See corresponding officer's reports for details.

Following the crisis teams entry into the residence, I eventually made contact with [REDACTED] in the upstairs bathroom. All the upstairs doors were locked and necessitated being forced open. Minor damage to the doors was caused during our securing of the residence. Upon making contact with [REDACTED] did not have any significant injuries, but had what appeared to be minor injuries consistent with being grabbed and physically pushed. [REDACTED] would not say how he sustained the injuries with the exception that they were from working in the yard with the bougainvillea.

[REDACTED] was unwilling to cooperate with officers on scene and was later transported to TCMC for evaluation based on his need for dependent care. Prior to his transport to TCMC I had made contact with [REDACTED] who explained that [REDACTED] suffers from various medical conditions and is unable to care for himself. Based on [REDACTED] being gravely disabled, he was placed on a 72-hour evaluation hold at TCMC. (See case #13011785)

I requested Animal Control respond to the scene to secure the Foley's dog. Humane Officer [REDACTED] arrived at about 2015 hours and took possession of the dog. (Humane case #27348)

Detectives later arrived and processed the scene.

Based on the circumstances of the incident and the injuries sustained by [REDACTED] I determined that Gregory Foley was in violation of PC 664/187 - Attempt Murder. Foley was taken into custody at the scene and transported to TCMC for medical care.

STATEMENTS:

See corresponding officer's reports for details.

EVIDENCE:

See FET's reports for details.

INJURIES:

See Officer Willms' report for details.

WITNESS:

See crime report for details.

Reporting Officer OC1303 - Wheeler, Mark	Division / Organization Field Operations NW MW FRONT	Reviewed By OC0724 - Christensen, Matt
Report Date 9/2/2013 1:03:42 AM	Detective Assigned OC1210 - LaVake, Mark	Reviewed Date 09/03/2013 11:33:38



Oceanside Police Department Crime/Incident Report

CAD Event No.: **1300094896**

Case No. **13011784**

Primary Victim: [REDACTED]

Report No. **13011784.1**

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PROPERTY LOSS:
None.

Reporting Officer OC1303 - Wheeler, Mark	Division / Organization Field Operations NW MW FRONT	Reviewed By OC0724 - Christensen, Matt
Report Date 9/2/2013 1:03:42 AM	Detective Assigned OC1210 - LaVake, Mark	Reviewed Date 09/03/2013 11:33:38



Oceanside Police Department Witness List

- ☐ A Case Addition
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Case No. 13011784

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GENERAL CASE INFORMATION

Primary Charge: **664 /187 (A) - PC - ATTEMPTED MURDER (F)**

Location: City, State, ZIP:

Beat:
16232

District:

VICTIM/S

Victim #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name: [REDACTED] Home Address: City, State, ZIP: [REDACTED]

Race: **W** Sex: **F** Date of Birth / Age: [REDACTED] - **81** Interpreter Language: County Residence: **R - Resident** V/W Assist: ☐ YES ☐ NO Days Off: Work Hours:

Employment Status: Occupation/Grade: Employer/School: Employer Address:

RELATIONSHIP TO OFFENDER(S):

Offender: Relationship:

CONTACTS:

Type: **HP - Home Phone** Number/Address: [REDACTED]

IDENTIFICATION:

Type: **DLN - Drivers License Number** Number: [REDACTED] State: **CA** Country:

Victim #2

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Name: [REDACTED] Home Address: City, State, ZIP: [REDACTED]

Race: **W** Sex: **M** Date of Birth / Age: [REDACTED] - **86** Interpreter Language: County Residence: **R - Resident** V/W Assist: ☐ YES ☐ NO Days Off: Work Hours:

Employment Status: Occupation/Grade: Employer/School: Employer Address:

RELATIONSHIP TO OFFENDER(S):

Offender: Relationship:

CONTACTS:

Type: **HP - Home Phone** Number/Address: [REDACTED]

IDENTIFICATION:

Type: **DLN - Drivers License Number** Number: [REDACTED] State: **CA** Country:

WITNESSES

Witness #1

Person Code: ☐ Secured Premise ☐ Discovered Crime ☐ Reporting Party ☐ Law Enforcement Officer

Witness Type Code: ☐ 01-Arresting Officer ☐ 06-Other Lay Witness ☐ 07-Narc Chemist ☐ 12-Other Expert ☐ 13-Investigator ☐ 14-Other

Name: **Wheeler, M** Home Address: City, State, ZIP:

Race: Sex: Date of Birth / Age: Interpreter Language: County Residence: V/W Assist: ☐ YES ☐ NO Days Off: Work Hours:

Employment Status: Occupation/Grade: **POLICE OFFICER** Employer/School: **OPD** Employer Address:

RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):

Offender/Victim: Relationship:

Reporting Officer
OC1210 - LaVake, Mark

Division / Organization
Records

Reviewed By
OC0724 - Christensen, Matt

Report Date
9/5/2013 6:27:13 AM

Detective Assigned

Reviewed Date
09/05/2013 13:59:24



Oceanside Police Department Witness List

- ☐ A Case Addition
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Case No. 13011784

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CONTACTS:

Type: WP - Work Phone	Number/Address: 760 435-4430		
IDENTIFICATION:			
Type: OC - Oceanside PD ID	Number: 1303	State:	Country:
Statement:			

Witness #2

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other			
Name: Samoa, S		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Police Officer	Employer/School: OPD	Employer Address:				

RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):

Offender/Victim:	Relationship:
------------------	---------------

CONTACTS:

Type: WP - Work Phone	Number/Address: 760 435-4900		
IDENTIFICATION:			
Type:	Number:	State:	Country:
Statement:			

Witness #3

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other			
Name: HARDY, R		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: SGT POLICE	Employer/School: OPD	Employer Address:				

RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):

Offender/Victim:	Relationship:
------------------	---------------

CONTACTS:

Type: WP - Work Phone	Number/Address: 760 435-4900		
IDENTIFICATION:			
Type:	Number:	State:	Country:
Statement:			

Witness #4

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert <input type="checkbox"/> 13-Investigator <input type="checkbox"/> 14-Other			
Name: KALDENBACH, C		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:

Reporting Officer: OC1210 - LaVake, Mark	Division / Organization: Records	Reviewed By: OC0724 - Christensen, Matt
Report Date: 9/5/2013 6:27:13 AM	Detective Assigned:	Reviewed Date: 09/05/2013 13:59:24



Oceanside Police Department Witness List

- ☐ A Case Addition
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Employment Status:	Occupation/Grade: POLICE OFFICER	Employer/School: OPD	Employer Address: 3855 Mission Ave, Oceanside, CA 92058
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):			
Offender/Victim:		Relationship:	
CONTACTS:			
Type: WP - Work Phone		Number/Address: 760 435-4900	
IDENTIFICATION:			
Type:	Number:	State:	Country:
Statement:			

Witness #5

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Weber, L		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Police Officer	Employer/School: Oceanside Police Department	Employer Address: 3855 Mission Ave, Oceanside, CA 92054				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:				Relationship:			
CONTACTS:							
Type: WP - Work Phone				Number/Address: 760 435-4900			
IDENTIFICATION:							
Type:	Number:	State:	Country:				
Statement:							

Witness #6

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Wagner, F		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: SES/GSU	Employer/School: OPD	Employer Address: 3855 Mission Ave, Oceanside, CA 92056				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:				Relationship:			
CONTACTS:							
Type: WP - Work Phone				Number/Address: 760 435-4900			
IDENTIFICATION:							
Type:	Number:	State:	Country:				
Statement:							

Witness #7

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer		
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other

Reporting Officer OC1210 - LaVake, Mark	Division / Organization Records	Reviewed By OC0724 - Christensen, Matt
Report Date 9/5/2013 6:27:13 AM	Detective Assigned	Reviewed Date 09/05/2013 13:59:24



Oceanside Police Department Witness List

- ☐ A Case Addition
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Code:							
Name: Willms, J J		Home Address, City, State, ZIP: 3855 Mission Ave, Oceanside, CA 92058					
Race:	Sex: M	Date of Birth / Age:	Interpreter Language:	County Residence: R - Resident	V/W Assist: <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Police Officer	Employer/School: Oceanside Police Department	Employer Address: 3855 Mission Ave, Oceanside, CA 92058				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:				Relationship:			
CONTACTS:							
Type: WP - Work Phone				Number/Address: 760 435-4900			
IDENTIFICATION:							
Type:		Number:		State:		Country:	
Statement:							

Witness #8

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Trabelsi, A		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist: <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Police Officer	Employer/School: OPD	Employer Address:				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:				Relationship:			
CONTACTS:							
Type: WP - Work Phone				Number/Address: 760 435-4911			
IDENTIFICATION:							
Type:		Number:		State:		Country:	
Statement:							

Witness #9

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Hay, S		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist: <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Police Officer	Employer/School: OPD	Employer Address:				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:				Relationship:			
CONTACTS:							
Type: WP - Work Phone				Number/Address: 760 435-4900			
IDENTIFICATION:							
Type:		Number:		State:		Country:	
Statement:							

Reporting Officer OC1210 - LaVake, Mark	Division / Organization Records	Reviewed By OC0724 - Christensen, Matt
Report Date 9/5/2013 6:27:13 AM	Detective Assigned	Reviewed Date 09/05/2013 13:59:24



Oceanside Police Department Witness List

- ☐ A Case Addition
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Case No. 13011784

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Witness #10

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Nevares, R		Home Address, City, State, ZIP:					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Police	Employer/School: OPD	Employer Address:				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:			Relationship:				
CONTACTS:							
Type:			Number/Address:				
IDENTIFICATION:							
Type:	Number:		State:		Country:		
Statement:							

Witness #11

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: LaVake, Mark		Home Address, City, State, ZIP: 3855 Mission Ave, Oceanside, CA 92058					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Detective	Employer/School:	Employer Address:				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:			Relationship:				
CONTACTS:							
Type: WP - Work Phone			Number/Address: 760 435-4872				
IDENTIFICATION:							
Type: OC - Oceanside PD ID	Number: 1210		State:		Country:		
Statement:							

Witness #12

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Wallace, Bill		Home Address, City, State, ZIP: 3855 Mission Ave, Oceanside, CA 92058					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: Detective	Employer/School:	Employer Address:				
RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):							
Offender/Victim:			Relationship:				

Reporting Officer OC1210 - LaVake, Mark	Division / Organization Records	Reviewed By OC0724 - Christensen, Matt
Report Date 9/5/2013 6:27:13 AM	Detective Assigned	Reviewed Date 09/05/2013 13:59:24



Oceanside Police Department Witness List

- ☐ A Case Addition
☐ D Case Deletions
☐ C Case Changes

Case No. **13011784**

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CONTACTS:

Type: WP - Work Phone	Number/Address: 760 435-4892		
IDENTIFICATION:			
Type: OC - Oceanside PD ID	Number: 0796	State:	Country:
Statement:			

Witness #13

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Kidd, S		Home Address, City, State, ZIP: 3855 Mission Ave, Oceanside, CA 92058					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: FET	Employer/School:	Employer Address:				

RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):

Offender/Victim:	Relationship:
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CONTACTS:

Type: WP - Work Phone	Number/Address: 760 435-4776		
IDENTIFICATION:			
Type: OC - Oceanside PD ID	Number: 1040	State:	Country:
Statement:			

Witness #14

Person Code:	<input type="checkbox"/> Secured Premise	<input type="checkbox"/> Discovered Crime	<input type="checkbox"/> Reporting Party	<input type="checkbox"/> Law Enforcement Officer			
Witness Type Code:	<input type="checkbox"/> 01-Arresting Officer	<input type="checkbox"/> 06-Other Lay Witness	<input type="checkbox"/> 07-Narc Chemist	<input type="checkbox"/> 12-Other Expert	<input type="checkbox"/> 13-Investigator	<input type="checkbox"/> 14-Other	
Name: Luecht, J		Home Address, City, State, ZIP: 3855 Mission Ave, Oceanside, CA 92058					
Race:	Sex:	Date of Birth / Age:	Interpreter Language:	County Residence:	V/W Assist <input type="checkbox"/> YES <input type="checkbox"/> NO	Days Off:	Work Hours:
Employment Status:	Occupation/Grade: FET	Employer/School:	Employer Address:				

RELATIONSHIP TO OFFENDER(S) AND/OR VICTIM(S):

Offender/Victim:	Relationship:
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CONTACTS:

Type: WP - Work Phone	Number/Address: 760 435-4721		
IDENTIFICATION:			
Type: OC - Oceanside PD ID	Number: 1295	State:	Country:
Statement:			

Reporting Officer OC1210 - LaVake, Mark	Division / Organization Records	Reviewed By OC0724 - Christensen, Matt
Report Date 9/5/2013 6:27:13 AM	Detective Assigned	Reviewed Date 09/05/2013 13:59:24

OCEANSIDE POLICE DEPARTMENT

Crime Scene Log

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CRIME: OIS		DATE: 9/1/13	
LOCATION: [REDACTED]			
OFFICER: SAMORA	TIME: 1822	RELIEF: CARWELL #0837	TIME: RELIEF: TIME:

PERSONS ENTERING SCENE

NAME (Print)	RANK	ASSIGNMENT	TIME		REASON FOR ENTRY
			IN	OUT	
SAMORA		Patrol / Paramedic			
SIGNATURE	EMP. #	AGENCY			
	1022		1822	2245	
NAME (Print)	RANK	ASSIGNMENT			
ANDERSON		FP 16-9	1818	1925	
SIGNATURE	EMP. #	AGENCY			
	1186		0136	0141	
NAME (Print)	RANK	ASSIGNMENT			
JUSTIN WILLIAMS	OFFICER	P/C Patrol	1	1925	
SIGNATURE	EMP. #	AGENCY			
	1344	OC	0147	0155	
NAME (Print)	RANK	ASSIGNMENT			
GREG KALDENBACH	OFC				
SIGNATURE	EMP. #	AGENCY			
	1333	OC	0155	0210	
NAME (Print)	RANK	ASSIGNMENT			
FRANK WAGNER	CFC	OC		1930	
SIGNATURE	EMP. #	AGENCY			
	1238		0111	0123	
NAME (Print)	RANK	ASSIGNMENT			
STRACKE	DET	OC Paramedic	1822		
SIGNATURE	EMP. #	AGENCY			
S. STRACKE	1155	OC	2118		
NAME (Print)	RANK	ASSIGNMENT			
J. Kidd	FET				
SIGNATURE	EMP. #	AGENCY			
J. Kidd	1040			1908	
NAME (Print)	RANK	ASSIGNMENT			
Isabella SPEEDON	Explorer				
SIGNATURE	EMP. #	AGENCY			
	55026			1908	
NAME (Print)	RANK	ASSIGNMENT			
K. HADDI	SGT	LATEL			
SIGNATURE	EMP. #	AGENCY			
	636	OPD	1830	2204	
NAME (Print)	RANK	ASSIGNMENT			
MAURICE HART	P/O	K9			
SIGNATURE	EMP. #	AGENCY			
	1209	OPD	18	1925	
			0125	0136	

OCEANSIDE POLICE DEPARTMENT

Crime Scene Log

13011784

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CRIME: <u>OIS</u>		DATE: <u>9/2/13</u>	
LOCATION: [REDACTED]			
OFFICER: <u>SAMOA</u>	TIME:	RELIEF: <u>CARWELL #0837</u>	TIME:
			RELIEF:
			TIME:

PERSONS ENTERING SCENE

NAME (Print)	RANK	ASSIGNMENT	TIME		REASON FOR ENTRY
			IN	OUT	
[REDACTED]	<u>CAPT</u>				
SIGNATURE	EMP. # <u>252381</u>	AGENCY <u>Oceanside Fire</u>			
[REDACTED]	<u>Eng</u>				
SIGNATURE	EMP. #	AGENCY <u>Fire</u>			
[REDACTED]	<u>FF/PM</u>				
SIGNATURE	EMP. #	AGENCY <u>Fire</u>			
[REDACTED]	<u>FF/PM</u>				
SIGNATURE	EMP. #	AGENCY <u>Fire</u>			
[REDACTED]	<u>FF/PM</u>				
SIGNATURE	EMP. #	AGENCY <u>Fire</u>			
[REDACTED]	<u>FF/PM</u>				
SIGNATURE	EMP. #	AGENCY <u>Fire</u>			
NAME (Print) <u>S. Kidd</u>	RANK <u>FET</u>	ASSIGNMENT	1926	1950	Photos
SIGNATURE <u>S. Kidd</u>	EMP. # <u>1040</u>	AGENCY			
[REDACTED]	RANK <u>EXPLORER</u>	ASSIGNMENT	1926	1950	
SIGNATURE	EMP. # <u>55026</u>	AGENCY			
NAME (Print) <u>L. WRIGHT</u>	RANK <u>POLICE</u>	ASSIGNMENT	0141	0147	
SIGNATURE	EMP. # <u>1741</u>	AGENCY			
NAME (Print) <u>J. SARRAZANO</u>	RANK <u>POLICE</u>	ASSIGNMENT <u>PERT</u>			
SIGNATURE <u>J. SARRAZANO</u>	EMP. # <u>1156</u>	AGENCY <u>OPP</u>	1940		

OCEANSIDE POLICE DEPARTMENT

Crime Scene Log

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CRIME: <u>SAS</u> <u>4525 ATTAKO OIS</u>		DATE: <u>9/1/13</u>	
LOCATION: [REDACTED]			
OFFICER: <u>SAMOA</u>	TIME:	RELIEF: <u>CARWELL #0837</u>	TIME:
		RELIEF:	TIME:

PERSONS ENTERING SCENE

NAME (Print)	RANK	ASSIGNMENT	TIME		REASON FOR ENTRY
			IN	OUT	
<u>LEONARD COSAY</u>	<u>LT</u>	<u>FIELD OPS</u>			
SIGNATURE <u>Leonard L Cosay</u>	EMP. # <u>542</u>	AGENCY <u>OPD</u>	<u>1810</u>		
NAME (Print) <u>MARK WHEELER</u>	RANK	ASSIGNMENT <u>FOCS</u>			
SIGNATURE <u>[Signature]</u>	EMP. # <u>1307</u>	AGENCY <u>OPD</u>	<u>1810</u>	<u>2115</u>	
NAME (Print) <u>Kelly S.</u>	RANK <u>Police Officer</u>	ASSIGNMENT <u>FIELD OPS</u>			
SIGNATURE <u>S. Kelly</u>	EMP. # <u>808</u>	AGENCY <u>OPD</u>	<u>1940</u>	<u>0022</u>	
NAME (Print) <u>J. Luecht</u>	RANK <u>DET</u>	ASSIGNMENT <u>Scene</u>			
SIGNATURE <u>[Signature]</u>	EMP. # <u>1295</u>	AGENCY <u>OPD</u>	<u>2000</u>	<u>2118</u>	
NAME (Print) <u>Mark Lavaker</u>	RANK <u>DET</u>	ASSIGNMENT <u>CON</u>			
SIGNATURE <u>Mark Lavaker</u>	EMP. # <u>1210</u>	AGENCY	<u>804</u>	<u>2117 2029</u>	
NAME (Print) <u>M. CHRISTENSEN</u>	RANK <u>SGT</u>	ASSIGNMENT <u>INV.</u>			
SIGNATURE <u>M. Christensen</u>	EMP. # <u>724</u>	AGENCY <u>OPD</u>	<u>2030</u>	<u>2130</u>	
NAME (Print) <u>W. WALLACE</u>	RANK <u>DET</u>	ASSIGNMENT <u>OPD</u>			
SIGNATURE <u>[Signature]</u>	EMP. # <u>796</u>	AGENCY <u>OPD</u>	<u>2030</u>	<u>0040</u>	
NAME (Print) <u>R. Davis</u>	RANK <u>DET</u>	ASSIGNMENT <u>OPD</u>			
SIGNATURE <u>[Signature]</u>	EMP. # <u>1098</u>	AGENCY <u>OPD</u>	<u>2030</u>	<u>2117</u>	
NAME (Print) <u>M. WOOD</u>	RANK <u>Police Officer</u>	ASSIGNMENT <u>OPD</u>			
SIGNATURE <u>[Signature]</u>	EMP. # <u>1286</u>	AGENCY <u>OPD</u>	<u>2038</u>	<u>2047</u>	
NAME (Print) <u>J. Silo</u>	RANK <u>Police Officer</u>	ASSIGNMENT <u>OPD</u>			
SIGNATURE <u>[Signature]</u>	EMP. # <u>1376</u>	AGENCY <u>OPD</u>	<u>2038</u>	<u>2047</u>	

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OCEANSIDE POLICE DEPARTMENT

Crime Scene Log

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CRIME: <u>OIS</u>		DATE: <u>9/1/13</u>	
LOCATION: [REDACTED]			
OFFICER:	TIME:	RELIEF: <u>0837</u> <u>CARWELL</u>	TIME:
		RELIEF:	TIME:

PERSONS ENTERING SCENE

NAME (Print)	RANK	ASSIGNMENT	TIME	REASON FOR ENTRY
SIGNATURE <u>K. Reswath</u>	EMP. # <u>626</u>	AGENCY <u>OPD</u>	<u>0044</u> <u>0210</u> <u>2100</u> <u>2130</u>	<u>WALK THRU'S</u> <u>Prot. Standards</u>
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>R. NEVANS</u>	EMP. # <u>1570</u>	AGENCY <u>OPD</u>	<u>2112</u>	<u>FOR RESPONSE</u>
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>CARWELL, D. P.</u>	EMP. # <u>P.O.</u>	AGENCY <u>OPD</u>	<u>2112</u> <u>0220</u>	<u>CRIME SCENE LOG (RELIEF)</u>
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>S. STRACK</u>	EMP. # <u>1135</u>	AGENCY <u>OC</u>	<u>0005</u> <u>0220</u>	<u>INV</u>
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>C. ECHT</u>	EMP. # <u>1295</u>	AGENCY <u>OPD</u>	<u>0010</u> <u>0220</u>	
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>M. [unclear]</u>	EMP. # <u>1105</u>	AGENCY <u>OPD</u>	<u>0015</u> <u>0110</u>	
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>[unclear]</u>	EMP. # <u>1160</u>	AGENCY <u>OPD</u>	<u>0045</u> <u>0110</u>	
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>M. LAVALAR</u>	EMP. # <u>1210</u>	AGENCY <u>OPD</u>	<u>0045</u> <u>0211</u>	
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>LEONARD, GARY</u>	EMP. # <u>642</u>	AGENCY <u>OPD</u>	<u>0045</u> <u>0047</u>	<u>WALL THROUGH</u>
NAME (Print)	RANK	ASSIGNMENT		
SIGNATURE <u>JC SMITH</u>	EMP. # <u>157</u>	AGENCY <u>SOCAL</u>	<u>0045</u>	<u>OIS TEAM</u>

OCEANSIDE POLICE DEPARTMENT

Crime Scene Log

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CRIME: 015		DATE: 09/02/13	
LOCATION: [REDACTED]			
OFFICER:	TIME:	RELIEF: CARWEL #0837	TIME:
		RELIEF:	TIME:

PERSONS ENTERING SCENE

[illegible]

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

CRIME SCENE MANAGER'S REPORT

INVESTIGATIVE RESPONSE:

On 09/01/2013, at approximately 1810 hours, [REDACTED] called OPD Dispatch to report she had just been assaulted by her son, (later identified as Gregory Foley) at [REDACTED]. [REDACTED] also advised her son was armed with a knife. Additionally, Oceanside Police Department (OPD) Dispatch advised responding units via the police radio that a male, believed to be the son, was heard in the background saying, "You are dead."

On 09/01/13, at approximately 1840 hours, I arrived on scene. Oceanside Fire Department (OFD) Paramedic units were staging on Belflora Way just south of Milano Way. Numerous OPD patrol officers were on scene prior to my arrival. (At the time of the incident, I was working uniformed patrol/7B). I knew from monitoring OPD radio traffic that the other responding officers were checking the welfare of other possible victims and attempting to contact Gregory Foley (Suspect).

Upon arrival, I observed a white female, later identified as [REDACTED] (Victim), sitting in a chair at the southeast corner of the cul-de-sac. Numerous civilians (apparently neighbors) were surrounding [REDACTED]. [REDACTED] head was extensively covered with blood. I observed that her right eye was swollen shut. While it was difficult to ascertain the extent of her wounds due to the extensive amount of blood, it appeared that she had a laceration above her left eye. Additionally, her

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

pink robe and hands had an extensive amount of what appeared to be fresh blood on them. I requested OFD Paramedics respond to medically assist [REDACTED]

OFD Paramedics (#2196) arrived and provided medical attention to [REDACTED] [REDACTED] was barely conscious and breathing. I attempted to obtain a statement from [REDACTED]. She was unable to provide a statement. She only identified herself as [REDACTED]

Field Evidence Technician (FET) Kidd photographed [REDACTED] (See FET Kidd's report for further details). OFD paramedics advised [REDACTED] was being transported via OFD ambulance, to the Oceanside Airport, prior to being "life flighted" (transported via medical helicopter) to Scripps Memorial Hospital La Jolla.

As I was facilitating [REDACTED] medical treatment, I heard one loud, sound consistent with the sound of gunfire, and then radio traffic radio traffic requesting medical assistance for the suspect, Gregory Foley. Due to my location, (just east of the cul-de-sac), I was not aware of the exact location of the residence where the incident had occurred.

After [REDACTED] was transported by OFD, at Officer Samoa's direction, I used yellow "crime scene" tape to delineate the crime scene. The crime scene tape effectively blocked unauthorized access to the cul-de-sac containing [REDACTED] residence. The cul-de-sac serviced six single family residences. [REDACTED] determined to be the scene of the incident, was at the southern terminus of the cul-de-sac. Officer Samoa maintained access and the crime scene log. I assisted Officer Samoa maintain the crime scene until I was reassigned by Sergeant Christensen.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

The crime scene log was maintained by Officer Samoa until he was relieved by Officer Carwell. The crime scene was maintained until the investigations team broke down the crime scene and I secured the property on 09/02/13, at approximately 0220 hours.

At approximately 2030 hours, I was assigned this incident for investigative follow-up (callout) by Detective Sergeant Christensen. Essentially, I was already on scene and transitioned to my normal assignment as a Detective.

At approximately 2045 hours, investigations personnel were briefed by Officer Wheeler on the scene. Sergeant Christensen assigned me to be the Crime Scene Manager for this incident. FET Luecht was assigned to be the primary FET, Detective LaVake was assigned as the primary investigator. Detective Wallace, Detective Johnson and Detective Davis also assisted with this investigation.

OPD investigative personnel briefly entered the house, before exiting, at approximately 2115 hours, until a search warrant for the residence was obtained. Prior to investigative personnel entering the residence, all subjects involved in the incident had already left the crime scene.

After the search warrant was obtained, I returned to the crime scene on 09/02/13, at approximately 0015 hours. I remained on scene for the duration of the investigation and assisted FET Luecht in identifying and documenting evidence located at the crime scene.

WEATHER CONDITIONS:

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

I initially arrived at the crime scene at approximately 1840 hours. The scene was naturally illuminated by the sun (daylight). I saw that the sky was clear and sunny. I later accessed the National Weather Service website and obtained weather readings, from the closest monitoring station, located at the Oceanside Municipal Airport. The weather conditions for Oceanside, on 09/01/2013, at 1754 hours, were as follows:

Temperature: 79 degrees F
Dew Point: 66 degrees F
Humidity: 65%
Visibility: 10.00 miles (Clear)
Wind: 14 MPH

The weather conditions for Oceanside, on 09/01/2013, at 1854 hours, were as follows:

Temperature: 77degrees F
Dew point: 66 degrees F
Humidity: 69%
Visibility: 10.00 miles (Clear)
Wind: 7

SEARCH WARRANT:

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

Detective Davis was assigned to obtain a telephonic search warrant. The warrant (45345) was obtained on 09/01/13, at approximately 2330 hours. The search warrant was issued by Judge Lasater. The search warrant was served shortly thereafter. The search warrant was returned on 09/10/13 to Judge Lasater.

CRIME SCENE DESCRIPTION:

AREA DESCRIPTION:

The incident took place at a single-family residence located at [REDACTED]. The residence is a detached two-story; featuring four bedrooms and an attached two-car garage. The residence is located inside a gated community and surrounded by similar residences in close proximity.

Facing the residence from the street (cul-de-sac), the residence is oriented in a southerly direction. Attached to the residence near the right (western) side of the garage door, are the letters [REDACTED] in black lettering. The attached garage is on the left (eastern) side of the residence. The front door of the residence is located to the right of the garage. Upon entering via the front door, I observed the living/dining room, continuing on the ground floor I observed the family room to the right and the kitchen to the left.

A sliding glass door provided access from the kitchen to the rear patio area. The rear patio was enclosed by an approximately six-foot tall fence. Inside the patio (and extending above the fence) was extensive vegetation providing a level of privacy from the adjoining residences. The vegetation was both planted in the ground and in large pots placed on the concrete patio.

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

Approximately 10 feet west (to the right walking from the kitchen to the patio) I observed two large pools of blood (separated by several feet) and a pair of bloody women's pink slippers. I noticed that the pink slippers appeared to match the robe [REDACTED] was wearing when I had previously contacted her (upon my arrival).

The westernmost pool of blood appeared to be the initial location of an assault. I observed bloody handprints on the concrete patio and a pot adjacent to the other large pool of blood. The handprints were consistent with the use of the pot to bring a subject to an upright (standing) position. A blood trail led from the bloody pot and continued inside the kitchen to the residence's telephone (landline). The telephone was located on a kitchen counter on the north side of the kitchen. There was blood on the receiver (earpiece/mouthpiece) and numbers 1 and 9, consistent with an injured, bloody, subject utilizing the phone to call 911.

The blood trail continued eastbound through the kitchen, before turning left (north bound) past a small bathroom (located on the left as I walked towards the garage). The blood trail continued through the small (pedestrian) door leading to the garage. The blood trail continued to the van where [REDACTED] was initially located by responding OPD Officers.

The second floor of the residence was accessed via a staircase. As I climbed the stairs, I observed the right side of the stairway was a stucco wall. A wooden handrail was attached to the wall. Initially, the left side of the stairway was also a stucco wall that transitioned into numerous wood, white, balusters and a banister. The top of the stairs ended at a landing commencing at the residence's eastern wall.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

The landing provided access (to the west) to the second floor's rooms. The right side of the landing consisted of a solid wall leading to the following rooms (in a counterclockwise direction); a bathroom, a bedroom (apparently used as a home office), another bedroom (apparently used as a guestroom), another bedroom (apparently Gregory's bedroom) and a master bedroom (apparently [REDACTED] bedroom).

The left side of the landing was delineated by identical wooden balusters/banister. At the end of the balusters, an approximately 42 inch tall wall (in a north-south configuration) providing access (utilizing the landing) to Gregory's and the master bedrooms. Both Gregory's and the master bedrooms were located along the southern portion of the residence.

I observed damage on the 42 inch wall consistent with a single gunshot fired from the upper stairwell. The bullet hole was located approximately 6.5 inches to the right (south) of where the wall began (at the landing) and approximately 2.5 inches from the top of the wall. Damage consistent with the bullet exiting the wall was evident on the back (west) portion of the wall. There was also damage to the second-story ceiling (located above the dining room). The trajectory of the damage was consistent with a single gunshot (as I had heard). Due to the lack of access (to the second-story ceiling) I was not able to closely inspect the ceiling damage.

There were blood stains on the landing near where the bullet had exited the wall and a trail of blood leading inside Gregory's bedroom. A substantial amount of blood was on the bedroom floor and Gregory's bed, consistent with Gregory returning to his bedroom after he was injured (shot).

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
S. Stracke	1155	09/01/13	Ongoing			Page 7 of 9

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

I observed a bloody, black handled, knife on the floor of Gregory's bedroom. The metal blade of the knife was approximately five (5) inches in length. The furniture in the bedroom was in disarray. Used medical supplies/packaging was lying on the floor inside Gregory's bedroom, consistent with the medical treatment received from OFD.

As previously noted, the incident occurred during daylight hours. By the time the investigative team entered the residence, OFD and OPD Officers had already been inside the residence. I was unable to determine the condition of the lights and/or blinds inside the residence at the time of the incident.

EVIDENCE:

FET Luecht took overall, midrange and close up photos of the crime scene and relevant evidence. FET Luecht collected items of evidentiary value including, blood samples (swabs), a .223 cartridge casing, several 40mm sponge casing/noses, a black handled knife, the pink slippers matching the robe worn by [REDACTED] the landline telephoned located on the kitchen counter, bloody clothing and an unsigned residential listing agreement for the residence.

Additional items of evidence were collected on 09/01/13 by FET Kidd at Scripps Memorial Hospital La Jolla. (See FET Kidd's report for details). Additional items were also collected after the scene was secured. (See FET Luecht's this report for details).

SECURING THE SCENE:

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
S. Stracke	1155	09/01/13	Ongoing			Page 8 of 9

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Location: [REDACTED]

Date of Offense: 09/01/2013

Victims: [REDACTED]

Suspect: Foley, Gregory

I secured the crime scene on 09/02/13 at 0220 hours by locking the residence's front door, rear sliding door and first-floor windows. I exited the residence via the large vehicle access garage door. I secured the garage door as I left the residence.

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
S. Stracke	1155	09/01/13	Ongoing			Page 9 of 9

Case#	Item#	Description	Officer Name
13011784	001	Vial of blood collected from Gregory FOLEY DOB [REDACTED] at Scripps La Jolla on 09/01/13. Transported to OPD by Officer Perez.	Luecht, Jennifer
13011784	002	DNA oral sample swab collected from [REDACTED] on 09/06/13.	Luecht, Jennifer
13011784	003	Kitchen steak knife with black plastic handle and 5" blade containing dried blood located on Greg FOLEY's bedroom floor, designated by placard #16.	Luecht, Jennifer
13011784	004	12" Carpenter claw hammer with wooden handle that was wrapped in two plastic shopping bags located in Greg FOLEY's bedroom under his bedspread at the foot of his bed transported to OPD by DET Baxter.	Luecht, Jennifer
13011784	005	Two plastic shopping bags which item #004 was wrapped in when located.	Luecht, Jennifer
13011784	006	DNA oral sample swab collected from [REDACTED] at Scripps La Jolla on 09/01/13 by FET Kidd.	Luecht, Jennifer
13011784	007	DNA oral sample swab collected from Gregory FOLEY DOB [REDACTED] at Scripps La Jolla on 09/01/13 by FET Kidd.	Luecht, Jennifer
13011784	008	Blue and white Quicksilver velcro wallet containing CDL [REDACTED] for Gregory FOLEY, Wells Fargo ATM Card and Credit Card, misc. club cards, \$2 and misc. change collected from [REDACTED] by DET Baxter on 09/02/13.	Luecht, Jennifer
13011784	009	Puritan beige pants with blood stains collected from [REDACTED] by DET Baxter on 09/02/13. Pants belonged to [REDACTED] and had already been washed and dried.	Luecht, Jennifer
13011784	010	2 pieces of bullet fragments removed from Gregory FOLEY's shoulder/back at Scripps La Jolla Hospital and transported back to OPD by Officer Perez on 09/02/13.	Luecht, Jennifer
13011784	011	Blue hard cover Ledger [REDACTED] used as a journal of her daily activities including issues she and her husband had with Gregory FOLEY. Dated 03/18/13 through 08/31/13 collected by FET Luecht on 09/12/13 from [REDACTED]	Luecht, Jennifer
13011784	012	One pair woman's pink slip-on slippers, size M, covered in blood collected from the patio, just outside the sliding glass door off the kitchen.	Luecht, Jennifer
13011784	013	One white at&t CL4939 handset LAN line telephone with blood on receiver and the numbers 9 and 1 collected off the kitchen counter.	Luecht, Jennifer
13011784	014	4 white wash clothes with blood on them that were rinsed and partially dry, collected from the top of a cabinet in the upstairs guest bathroom.	Luecht, Jennifer
13011784	015	DNA swabs collected from blood on OPD K9 "Max" collected in the parking lot of OPD by Officer Trabelsi.	Luecht, Jennifer
13011784	016	DNA swabs collected from blood on OPD K9 "Max" collected in the parking lot of OPD by Officer Trabelsi.	Luecht, Jennifer
13011784	017	DNA swabs of blood collected from the muzzle end of OPD 40mm launcher s/n [REDACTED] carried by Officer Weber.	Luecht, Jennifer

Case#	Item#	Description	Officer Name
13011784	018	DNA swabs of blood collected from the muzzle end of OPD 40mm launcher s/n [REDACTED] carried by Officer Willms.	Luecht, Jennifer
13011784	019	One .223 Winchester cartridge collected from the chamber of the Colt M4 Carbine s/n [REDACTED] which Officer Kaldenbach shot from during the OIS.	Luecht, Jennifer
13011784	020	White at&t ALCATEL cell phone collected from Gregory FOLEY's bedroom (contains a small amount of blood).	Luecht, Jennifer
13011784	021	DNA swab from pool of blood on the cement patio in the backyard, designated by yellow placard 1.	Luecht, Jennifer
13011784	022	DNA swab from larger pool of blood on the cement patio in the backyard, designated by yellow placard 2.	Luecht, Jennifer
13011784	023	DNA swab from partial bloody left palmpoint on kitchen floor just inside patio sliding glass door, designated by yellow placard 3.	Luecht, Jennifer
13011784	024	DNA swab from blood swipe on left side of vehicle adjacent to gas tank lid, designated by yellow placard 4. Vehcile was a aldjafjd and parked inside the garage.	Luecht, Jennifer
13011784	025	One metal exact impact 40mm sponge casing collected from the living room floor near the base of the stairs, designated by yellow placard 5.	Luecht, Jennifer
13011784	026	One metal exact impact 40mm sponge casing collected from stair #3, starting the count at the first floor, designated by yellow placard 6.	Luecht, Jennifer
13011784	027	One Winncheter .223 catridge casing collected from stair #4, starting the count at the first floor, designated by yellow placard 7.	Luecht, Jennifer
13011784	028	One metal exact impact 40mm sponge casing collected from stair #5, starting the count at the first floor, designated by yellow placard 8.	Luecht, Jennifer
13011784	029	One foam rubber nose of 40mm round collected from stair #7, starting the count at the first floor, designated by yellow placard 9..	Luecht, Jennifer
13011784	030	One metal exact impact 40mm sponge casing collected from stair #7, starting the count at the first floor, designated by yellow placard 10.	Luecht, Jennifer
13011784	031	One foam rubber nose and plastic projectile body of 40mm round collected from stair #7, starting the count at the first floor, designated by yellow placard 11.	Luecht, Jennifer
13011784	032	One metal exact impact 40mm sponge casing collected from the top of an end table on the second floor adjacent to the washer and dryer designated by yellow placard 12.	Luecht, Jennifer
13011784	033	One complete 40mm non lethal sponge round collected from the second floor in front of the washer and dryer designated by yellow placard 13.	Luecht, Jennifer
13011784	034	One plastic projectile body of 40mm round collected from the second floor in front of the clothes hamper in the hallway adjacent to the washer and dryer, designated by yellow placard 14.	Luecht, Jennifer
13011784	035	One complete 40mm non lethal sponge round collected from the second floor next to the built in cabinet near the door to the master bedroom, designated by yellow placard 15.	Luecht, Jennifer

Case#	Item#	Description	Officer Name
13011784	036	One foam rubber nose and plastic projectile body of 40mm round collected from the top of Gregory FOLEY's twin size bed in his bedroom, designated by yellow placard 17.	Luecht, Jennifer
13011784	037	One foam rubber nose and plastic projectile body of 40mm round collected from the floor in Gregory FOLEY's bedroom along the wall left of the entry door, designated by yellow placard 18.	Luecht, Jennifer
13011784	038	DNA swab from pool of blood on the floor just inside the entry door to Gregory FOLEY's bedroom, designated by yellow placard 19.	Luecht, Jennifer
13011784	039	DNA swab from blood spatter on the floor in the hallway corner between Gregory FOLEY's bedroom and the master bedroom, designated by yellow placard 20.	Luecht, Jennifer
13011784	040	One foam rubber nose and plastic projectile body of 40mm round collected from the top shelf of an open bookcase just outside and to the right of the entry door to Gregory FOLEY's bedroom, designated by yellow placard 21.	Luecht, Jennifer
13011784	041	One pair of Puritan grey size L boxer briefs with blood on them collected from inside the hamper in the upstairs guest bathroom.	Luecht, Jennifer
13011784	042	One pair of Timber Creek khaki pants with blood on them collected from inside the hamper in the upstairs guest bathroom.	Luecht, Jennifer
13011784	043	One pair of red/orange/yellow swim trunks with blood on them cut down the middle belonging to Gregory FOLEY collected at Scripps La Jolla Hospital by FET Kidd on 09/01/13.	Luecht, Jennifer
13011784	044	One pair of blue Hanes men's underwear with blood on them cut at the waistband belonging to Gregory FOLEY collected at Scripps La Jolla Hospital by FET Kidd on 09/01/13.	Luecht, Jennifer
13011784	045	Two small gold colored keys collected out of the pocket of a pair of red/orange/yellow swim trunks belonging to Gregory FOLEY by FET Kidd on 09/01/13 at Scripps La Jolla Hospital.	Luecht, Jennifer
13011784	046	One wrap around pink terry cloth bathrobe with tie belt, with blood on it and both arm holes cut, belonging to [REDACTED] FOLEY collected at Scripps La Jolla Hospital by FET Kidd on 09/01/13.	Luecht, Jennifer
13011784	047	One white cotton tshirt with blood on it worn by [REDACTED] left at La Quinta Inn at 937 North Coast Highway, OC on 09/01/13. Located by housekeeping in the trash can and collected by FET Kidd on 09/01/13.	Luecht, Jennifer
13011784	048	Unsigned Residential Listing Agreement for [REDACTED] OC collected from the coffee table in the family room on 09/01/13.	Luecht, Jennifer
13011784	049	Crime Scene Log	LaVake, Mark

Oceanside Police Department

Field Evidence Technician Report

Offense: PC 664/187- Attempted Murder	Date: 09-01-13	Time: 1832
Location of Incident: [REDACTED]		
Where Performed: same/ 9888 Genesee Ave, La Jolla	Requested by: Sgt. HARDY	
Victim: [REDACTED]	Suspect: FOLEY, Gregory	

IN CUSTODY: ☐ YES ☒ NO

LATENT PRINTS: ☐ YES ☒ NO DIGITAL PHOTOS: ☒ YES ☐ NO

DNA: ☒ YES ☐ NO LAB REQUEST: ☐ YES ☒ NO

DISPOSITION OF EVIDENCE

- ☒ ALL EVIDENCE WAS PLACED INTO EVIDENCE AT OPD
- ☐ NOTHING OF EVIDENTIARY VALUE WAS LOCATED OR COLLECTED

NARRATIVE

On 09-01-13 at 1832 hrs. I responded to an FET request at 4525 Milano Way with Police Explorer [REDACTED]. I met with Officer STRACKE at the end of the cul-de-sac, who was standing by with [REDACTED]. [REDACTED] was dressed in a pink bathrobe and was being treated by paramedics. Her face and hair was bloody and she had blood on her robe and arms as well. I could see the skin around both of her eyes was bruised and she had cuts on the backs of her hands.

Using a digital camera I took some quick overall photographs of [REDACTED] head, arms and hands before she was transported to the hospital.

Field Evidence Technician: S. KIDD

ID Number: 1040

Approved by: *MTZ*

Next I responded to the residence, where Sgt. HARDY asked me to take some overall photographs outside the residence. Paramedics were on the second floor treating the suspect Gregory FOLEY, so I took overall photographs of the entryway, living room, kitchen, family room and expended 40mm sponge rounds on the interior staircase.

At this point, I was advised an investigations FET was coming to process the scene, and I was asked to go to the hospital for additional photographs of [REDACTED] I left the scene at 1915 hrs, only to be called back to the residence at 1924 hrs. to take photographs of [REDACTED] husband.

[REDACTED] was outside his house with Sgt. HARDY. [REDACTED] was dressed in a bloodstained white short-sleeve T-shirt, tan pants and slippers. He had several visible injuries, which were as follows:

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I took an identification photograph of [REDACTED] overall photographs of his clothing, and overall and close-up photographs of his injuries, with and without a scale. During my photographs, [REDACTED] kept insisting that his injuries were from "old skin" and "bougainvillea".

From the residence, Explorer [REDACTED] and I responded to Scripps La Jolla Hospital for

photographs of suspect Gregory FOLEY and additional photographs of his mother, [REDACTED] We arrived at 2047 hrs. and met with Officers WILLMS and PEREZ who were in the trauma room.

[REDACTED] was in a different part of the hospital having some tests, so I started with Gregory. Gregory was conscious and complaining of arm pain. His injuries were as follows:

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I took digital identification photographs of Gregory and overall and close-up photographs of his injuries, with and without a scale. Next I collected oral reference DNA swabs from the inside of Gregory's right cheek. I also collected his clothing that had been removed prior to my arrival.

By this time [REDACTED] had been returned to the trauma room. She had been cleaned up by hospital personnel and her injuries were more identifiable. Her injuries were as follows:

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-



I took an identification photograph of [REDACTED] and overall and close-up photographs of her injuries, using a scale in some of the photographs. Next I collected oral reference DNA swabs from the inside of her right cheek. I also collected her pink bathrobe, which had been removed prior to my arrival.

Explorer [REDACTED] was present for my photographs and evidence collection and assisted by holding my equipment. She did not process either [REDACTED] or Gregory.

I left the hospital and arrived back at the police station at 2215 hrs. I brought the bags containing [REDACTED] and Gregory's clothing to the evidence trailer and hung the clothing in separate evidence dryers. I placed [REDACTED] pink bloodstained bathrobe and her DNA swabs in one dryer and locked it, retaining the key. I placed Gregory's multi-colored swim trunks and blue Hanes men's' underwear, also bloodstained, in a second dryer. As I was hanging up the swim trunks I felt an item in the left front pocket. I removed the item, which was a set of two small gold-colored keys. The keys, the clothing and Gregory's DNA swabs were all secured in the dryer, and I retained the key.

At 2337 hrs. I turned the evidence dryer keys over to FET LUECHT.

At 2357 hrs. I was asked to photograph Officer WEBER and WILLMS' gun belts and duty weapons. I photographed the gun belts, both sides of their handguns and the serial numbers on each. I did the same for Sgt. HARDY's gun belt and duty weapon a short time later.

I uploaded my digital photographs to the digital evidence system.

Oceanside Police Department

Field Evidence Technician Report

Offense: PC 664/187 – Attempt Murder	Date: 09/01/13	Time: 2000
Location of Incident: [REDACTED]		
Where Performed: [REDACTED]	Requested by: DET LaVake	
Victim: [REDACTED]	Suspect: FOLEY, Gregory	

INVESTIGATION:

On 09/01/13 approximately 1900 hours I was contacted by Sergeant Christensen who requested I respond to OPD regarding an Officer Involved Shooting at an attempt murder scene, located at [REDACTED]. I arrived on scene approximately 2000 hours. Upon arrival I met with Sergeant Christensen and several OPD Detectives. Sergeant Christensen informed me Detective LaVake was appointed the Primary Detective, Detective Wallace was appointed the Secondary Detective, Detective Stracke was appointed the Crime Scene Manager, and I was appointed the Primary Investigative FET. We were informed Gregory FOLEY (DOB [REDACTED]) assaulted his mother [REDACTED]. [REDACTED] sustained significant injuries and dialed 911 from a landline in the kitchen.

Upon OPD's arrival [REDACTED] was inside the attached 2 car garage of the residence, with the garage door open. She was sitting on the back bumper of her KIA Sedona [REDACTED] minivan with the tailgate open. [REDACTED] was transported to Scripps La Jolla, prior to our arrival. Gregory and his father, [REDACTED] were inside the residence with the front door closed. Gregory did not exit the residence when OPD made announcements asking him to. OPD entered the residence; Gregory was shot with nonlethal 40mm sponge rounds, a K9 was deployed, and Officer Kaldenbach shot him with his .223 Carbine rifle on the second floor inside the residence. The shot was not fatal. Gregory was taken into custody and transported to Scripps La Jolla Hospital, prior to our arrival. While I was on scene, [REDACTED] was transported to TCMC for mental health observation.

On 09/01/13 approximately 2115 hours we cleared the scene and responded back to OPD. Detective LaVake informed me a Telephonic Search Warrant needed to be obtained prior to entering and processing the crime scene.

Approximately 2145 hours I met Officer Trabelsi and his K9 partner, Max, in the secured OPD Patrol vehicle parking lot. Officer Trabelsi informed me Max was deployed on scene and bit Gregory, he had blood on the top of his head and on his K9 vest. Using my digital camera I took overall photos of Max, with his marked OPD K9 vest on. I took overall and close up photos of the blood on his vest and on the top of his head. Officer Trabelsi used sterile cotton swabs and swabbed the blood on the top of Max's head and the blood on his vest, independently.

Then met with Officer Moulder in the Investigative FET office at OPD. Officer Moulder collected Officer Kaldenbach's .223 Colt M4 Carbine rifle [REDACTED] cleared the weapon, and inspected the weapon and ammunition (see Officer Moulder's report for further detail). Using my digital camera I took overall photos of the weapon, the ammunition, and close up photos of the serial number. I collected the .223 caliber cartridge that was in the chamber of the weapon. Officer Moulder and I then met with the following officers who were present inside the residence, during the shooting:

- Officer Hay
- Officer Wagner
- Officer Trabelsi

Using my digital camera I took overall photos of the officer's gun belt as it was worn on scene, and close up photos of their weapons and ammunition. Officer Moulder inspected each gun and counted all ammunition (see his report for details).

FET Kidd documented the remainder of the officer's gun belts and weapons, which were on scene during the shooting (see her report for details).

FET Kidd responded to Scripps La Jolla Hospital and took overall and close up photos of [REDACTED] Gregory, and their injuries. She collected the clothing they were wearing, collected a DNA sample from each of them, and collected a vial of Gregory's blood (see FET Kidd's report for further detail). FET Kidd secured the clothing and DNA in separate evidence dryers in our OPD lab, and released the key to me for future processing and booking into evidence.

Officer Perez remained at Scripps La Jolla Hospital until Gregory was out of surgery. He collected and transported 2 bullet fragments, recovered from Gregory's shoulder area, to OPD. He released the bullet fragments to me.

On 09/02/13 approximately 0010 hours a Telephonic Search Warrant was obtained and I responded back to [REDACTED] to process the crime scene.

EVIDENCE PROCESSING AND COLLECTION:

The crime scene took place inside the residence located at [REDACTED] The residence is a two story, four bedroom, two and a half bath, detached home with an attached two car garage. Inside the front door was the living room and the dining room, through the dining room was the family room on the right and the kitchen on the left. There was a glass sliding door in the kitchen which opened to the back patio. The back patio was cemented with a large amount of vegetation; planted in the ground, and in large pots. There were a set of stairs in the living room which led to the second floor. The stairs went straight up to a landing, made one 90° turn and step up to another landing, and another 90° turn which opened to the upstairs loft/platform area. The staircase had a solid wall to the ceiling on one side, and a solid wall the height of the first floor on the other side with a wooden banister and open wooden balusters. The banister ran the length of the loft/platform area. When upstairs you can look over the banister, and through the balusters onto the staircase below. The banister was approximately 122" in length and 7" wide. There were 29 wooden balusters that were 40" high. The loft/platform area had a washer and dryer area and was open to the first floor, overlooking the living room and dining room. Upstairs were three guest bedrooms, one guest

bathroom, and one master bedroom. The guest bathroom was the first room on the right once upstairs. The rooms were labeled as follows, starting with the room adjacent to the guest bathroom, in a counterclockwise direction:

- Room 1 – Office
- Room 2 – Guest Bedroom
- Room 3 – Gregory's Bedroom
- Room 4 – Master Bedroom

Detective Wallace and Detective LaVake walked Detective Stracke and I through the residence, explained the circumstances, and pointed out areas and items of interest, and potential evidence.

There were two large pools of blood on the cement ground of the back patio, along with a pair of pink woman's slippers covered with blood. The first pool of blood was straight out the sliding glass door and slightly to the right. The second pool of blood was a few feet to the right, partially hidden amongst foliage with large green leaves. On the ground near the second pool of blood were several broken or cut pieces of leaves. There was also a wooden popsicle stick lying in the middle of liquid, which appeared to be the melted popsicle. In between the two pools of blood was a large potted plant. There was blood on the outside of the pot and on the top rim of the pot. It appeared as though a hand was placed on the top rim of the pot and used for balance to help oneself off the ground. The pink slippers were on the patio ground just outside the sliding glass door. There were small, bloody partial hands prints on the kitchen floor just inside the patio sliding glass door. There were numerous circular blood drops and a blood trail which led from the sliding glass door to the house phone on the kitchen counter. The phone was white and there was blood on the hand receiver and on the number 1 and number 9. The blood trail continued through the kitchen, and into the garage where [REDACTED] was contacted by OPD. There were a few blood swipes on the walls leading into the garage and on the interior door handle of the door, leading from the house into the garage. There were a few blood drops on the garage floor and a blood swipe on the driver side of the minivan, near the gas tank lid. There was a small blood swipe on the edge of the hatchback door.

Lying on the dining room floor, at the base of the stairs was a 40mm sponge casing. On the set of stairs was the following:

- one .223 cartridge casing (stair #4, counting from first floor)
- three 40mm sponge casings (stair #3, 5, and 7)
- one 40mm foam rubber nose (stair #5)
- one 40mm foam rubber nose and plastic projectile (stair #7)

Upstairs on the loft/platform area was the following:

- one 40mm sponge casing on a console table by the washer and dryer
- one 40mm foam rubber nose and plastic projectile lying on the floor in front of the washer and dryer
- one 40mm foam rubber nose and plastic projectile lying on the floor across from the washer and dryer
- one 40mm plastic projectile lying on the floor across from the washer and dryer
- one 40mm foam rubber nose and plastic projectile lying on the top shelf of an open bookcase just outside the door to room 3

There was a small ponywall, approximately 44" wide and 42" high, upstairs at the end of the banister. The banister dead ended into the ponywall. The ponywall and the banister created an L, closing off the 2 sides of the staircase. There was a bullet hole in the ponywall near the top corner, where the banister attaches to the ponywall. The bullet hole was approximately 6 1/2" from the outside edge of the ponywall and approximately 2 1/2" from the top edge of the ponywall. The bullet hole entered the wall from the staircase side, exited the back of the wall and entered the ceiling above the dining room. The hole in the ceiling was oblong and appeared to have entered at an angle.

The door to room 3, Gregory's room, was just a few feet in front of the ponywall, in the left corner of the loft/platform area. In close proximity of the door to room 3, was the door to room 4, the master bedroom. In the corner between the two doors and in front of the ponywall were a few blood trails and blood spatter. Gregory was shot in the shoulder while standing in front of the ponywall and retreated into his bedroom.

There was a twin size bed, two nightstands, a small dresser with a TV on top, and a small console table inside Gregory's bedroom. There were a few personal items on the floor and on the square nightstand, including a cell phone. There was a large amount of blood on the bedroom floor and on the bedspread on his bed. There were a few pieces of medical apparatus on the bedroom floor and on top of the bed. There was one 40mm foam rubber nose and plastic projectile lying on top of his bed, and one 40mm foam rubber nose and plastic projectile lying on the floor against the left wall, if standing in the doorway. There was a black, plastic handled kitchen steak knife lying on the floor in Gregory's bedroom. There was a fair amount of blood on the blade of the knife. The blade of the knife measured approximately 5". The placement of the center of the knife on the bedroom floor was as follows:

- \cong 17" straight into the bedroom, from the center of the closet doors
- \cong 40" from the 135° corner of the wall the door opens against

The knife was approximately 24" away from the bed, where Gregory was finally taken into custody. The edge of the bed, closest to the threshold of the door, was approximately 80". The furniture in his bedroom appeared to have been shuffled around during the altercation which took place, in an effort to handcuff Gregory. The bed was crooked in the middle of the bedroom and the nightstands appeared displaced.

Inside the guest bathroom were four blood stained white wash clothes, partially dry and folded in half on top of a white, wicker, 2 door floor standing cabinet. Hanging out of the top of a closed wicker hamper, in the guest bathroom, was a pair of beige men's trousers. The trousers had dried blood on them. Inside the hamper were the rest of the pants and a pair of men's underwear. There was dried blood on the underwear.

One wooden baluster was broken and there was damage to the guest bathroom door and the door to room 2. The damage to both doors was on the exterior, near the door handles. The damage was caused when OPD forced entry into each room, in an effort to locate [REDACTED] was ultimately located inside the upstairs guest bathroom.

Using my digital camera I took overall photos of the front of the residence and the two car garage, and close up photos of the address for identification. I took overall photos of the vehicle in the garage

and close up photos of the license plate for identification. I took panning photos of the residence, the arage, and the back patio. I took overall, midrange, and close up photos of all areas of relevance and items mentioned above.

Detective Stracke and I determined items of evidentiary value. Items of evidence which needed clarification for documentation purposes were marked with yellow placards numbered 1 thru 21. I took overall and close up photos of all items of evidence. I then marked specific items of evidence by placing a yellow numbered placard next to each item. I took overall and close up photos of the items with placards in place. I collected all items of evidence on scene (see detailed list below).

I took overall and close up photos of the bullet hole in the ponywall with and without a scale. I took overall and close up photos of the bullet hole in the ceiling.

Detective Wallace, Detective Stracke, and myself searched the residence and the interior of the vehicle in the garage. We did not locate any alcohol containers, full or empty. We did not locate any medication belonging to Gregory. We did not locate any obvious signs to support behavior of dementia in either [REDACTED]

I cleared the scene and returned to OPD. Upon arrival I secured my evidence in locked evidence lockers and obtained the only key.

On 09/02/13 approximately 0230hours I was contacted by Officer Willms. Officer Willms informed me the 40mm Launchers used by he and Officer Weber on scene, had blood on them. Using my digital amera I took overall photos of the non-lethal weapon and close up photos of the serial numbers and the blood. There was blood on the muzzle and pistol grip of each weapon. Using sterile cotton swabs, I swabbed the blood on each weapon.

On 09/03/13 Detective Baxter informed me he responded to [REDACTED] on 09/02/13 and met with [REDACTED] son. Detective Baxter collected Gregory's wallet, a pair of men's beige pants, and a carpenter claw hammer wrapped in 2 plastic shopping bags from the residence. The pants were worn by [REDACTED] the night of the incident and were already washed and dried. The hammer was located at the foot of Gregory's bed, under his bedspread. The hammer was located when [REDACTED] and his girlfriend were cleaning up the house. Detective Baxter secured the items in an evidence locker and released the key to me.

On 09/06/13 I responded to [REDACTED] and met with [REDACTED] gave me permission to collect an oral DNA sample from his father, [REDACTED]

On 09/12/13 myself, Detective LaVake, Detective Wallace, and Sergeant Christensen responded to [REDACTED] Two employees from the City of Oceanside Public Works Department met us there with an automatic lift. Utilizing the lift, I was able to reach the ceiling in the dining room where the bullet hole was, in an effort to retrieve the .223 caliber bullet. I took close up photos of the bullet hole in the ceiling. Using a drywall saw, I cut around the bullet hole creating a larger hole, to enable a better view. I used trajectory rods, various light sources, and other equipment to help me search for and locate the bullet. I was unable to see the bullet. While at the residence I collected a blue hard

cover ledger [REDACTED] used as a journal. The journal was dated 03/18/13 through 08/31/13. The entries consisted of her daily activities, and included problems and issues with Gregory.

On 09/17/13, at the request of Sergeant Christensen, I released the .223 Colt M4 Carbine Officer Kaldenbach used on scene and all ammunition, except for the cartridge I collected from the chamber, to Officer Moulder.

I took overall and close up photos of all items of evidence at OPD, with a scale when needed.

I subsequently booked all items of evidence mentioned above and digital photos into OPD evidence.

- 001 Vial of blood collected from Gregory FOLEY DOB 08/13/57 at Scripps La Jolla on 09/01/13. Transported to OPD by Officer Perez.
- 002 DNA oral sample swab collected from [REDACTED] on 09/06/13.
- 003 Kitchen steak knife with black plastic handle and 5" blade containing dried blood located on Greg FOLEY's bedroom floor, designated by placard #16.
- 004 12" Carpenter claw hammer with wooden handle that was wrapped in two plastic shopping bags located in Greg FOLEY's bedroom under his bedspread at the foot of his bed transported to OPD by DET Baxter on 09/02/13.
- 005 Two plastic shopping bags which item #004 was wrapped in when located.
- 006 DNA oral sample swab collected from [REDACTED] at Scripps La Jolla on 09/01/13 by FET Kidd.
- 007 DNA oral sample swab collected from Gregory FOLEY DOB 08/13/57 at Scripps La Jolla on 09/01/13 by FET Kidd.
- 008 Blue and white Quicksilver velcro wallet containing CDL [REDACTED] for Gregory FOLEY, Wells Fargo ATM Card and Credit Card, misc. club cards, \$2 and misc. change collected from [REDACTED] by DET Baxter on 09/02/13.
- 009 Puritan beige pants with blood stains collected from [REDACTED] by DET Baxter on 09/02/13. Pants belonged to [REDACTED] and had already been washed and dried.
- 010 2 pieces of bullet fragments removed from Gregory FOLEY's shoulder/back at Scripps La Jolla Hospital and transported back to OPD by Officer Perez on 09/02/13.
- 011 Blue hard cover Ledger [REDACTED] used as a journal of her daily activities including issues she and her husband had with Gregory FOLEY. Dated 03/18/13 through 08/31/13 collected by FET Luecht on 09/12/13 from [REDACTED]
- 012 One pair woman's pink slip-on slippers, size M, covered in blood collected from the patio, just outside the sliding glass door off the kitchen.
- 013 One white at&t CL4939 handset LAN line telephone with blood on receiver and the numbers 9 and 1 collected off the kitchen counter.
- 014 4 white wash clothes with blood on them that were rinsed and partially dry, collected from the top of a cabinet in the upstairs guest bathroom.
- 015 DNA swabs collected from blood on OPD K9 "Max" collected in the parking lot of OPD by Officer Trabelsi.

- 016 DNA swabs collected from blood on OPD K9 "Max" collected in the parking lot of OPD by Officer Trabelsi.
- 017 DNA swabs of blood collected from the muzzle end of OPD 40mm launcher s/n [REDACTED] carried by Officer Weber.
- 018 DNA swabs of blood collected from the muzzle end of OPD 40mm launcher s/n [REDACTED] carried by Officer Willms.
- 019 One .223 Winchester cartridge collected from the chamber of the Colt M4 Carbine s/n [REDACTED] which Officer Kaldenbach shot from during the OIS.
- 020 White at&t ALCATEL cell phone collected from Gregory FOLEY's bedroom (contains a small amount of blood).
- 021 DNA swab from pool of blood on the cement patio in the backyard, designated by yellow placard 1.
- 022 DNA swab from larger pool of blood on the cement patio in the backyard, designated by yellow placard 2.
- 023 DNA swab from partial bloody left palmprint on kitchen floor just inside patio sliding glass door, designated by yellow placard 3.
- 024 DNA swab from blood swipe on left side of vehicle adjacent to gas tank lid, designated by yellow placard 4. Vehicle was a KIA Sedona minivan and parked inside the garage.
- 025 One metal exact impact 40mm sponge casing collected from the living room floor near the base of the stairs, designated by yellow placard 5.
- 026 One metal exact impact 40mm sponge casing collected from stair #3, starting the count at the first floor, designated by yellow placard 6.
- 027 One Winchester .223 cartridge casing collected from stair #4, starting the count at the first floor, designated by yellow placard 7.
- 028 One metal exact impact 40mm sponge casing collected from stair #5, starting the count at the first floor, designated by yellow placard 8.
- 029 One foam rubber nose of 40mm round collected from stair #7, starting the count at the first floor, designated by yellow placard 9..
- 030 One metal exact impact 40mm sponge casing collected from stair #7, starting the count at the first floor, designated by yellow placard 10.
- 031 One foam rubber nose and plastic projectile body of 40mm round collected from stair #7, starting the count at the first floor, designated by yellow placard 11.
- 032 One metal exact impact 40mm sponge casing collected from the top of an end table on the second floor adjacent to the washer and dryer designated by yellow placard 12.
- 033 One complete 40mm non lethal sponge round collected from the second floor in front of the washer and dryer designated by yellow placard 13.
- 034 One plastic projectile body of 40mm round collected from the second floor in front of the clothes hamper in the hallway adjacent to the washer and dryer, designated by yellow placard 14.
- 035 One complete 40mm non lethal sponge round collected from the second floor next to the built in cabinet near the door to the master bedroom, designated by yellow placard 15.
- 036 One foam rubber nose and plastic projectile body of 40mm round collected from the top of Gregory FOLEY's twin size bed in his bedroom, designated by yellow placard 17.

- 037 One foam rubber nose and plastic projectile body of 40mm round collected from the floor in Gregory FOLEY's bedroom along the wall left of the entry door, designated by yellow placard 18.
- 038 DNA swab from pool of blood on the floor just inside the entry door to Gregory FOLEY's bedroom, designated by yellow placard 19.
- 039 DNA swab from blood spatter on the floor in the hallway corner between Gregory FOLEY's bedroom and the master bedroom, designated by yellow placard 20.
- 040 One foam rubber nose and plastic projectile body of 40mm round collected from the top shelf of an open bookcase just outside and to the right of the entry door to Gregory FOLEY's bedroom, designated by yellow placard 21.
- 041 One pair of Puritan grey size L boxer briefs with blood on them collected from inside the hamper in the upstairs guest bathroom.
- 042 One pair of Timber Creek khaki pants with blood on them collected from inside the hamper in the upstairs guest bathroom.
- 043 One pair of red/orange/yellow swim trunks with blood on them cut down the middle belonging to Gregory FOLEY collected at Scripps La Jolla Hospital by FET Kidd on 09/01/13.
- 044 One pair of blue Hanes men's underwear with blood on them cut at the waistband belonging to Gregory FOLEY collected at Scripps La Jolla Hospital by FET Kidd on 09/01/13.
- 045 Two small gold colored keys collected out of the pocket of a pair of red/orange/yellow swim trunks belonging to Gregory FOLEY by FET Kidd on 09/01/13 at Scripps La Jolla Hospital.
- 046 One wrap around pink terry cloth bathrobe with tie belt, with blood on it and both arm holes cut, belonging to [REDACTED] collected at Scripps La Jolla Hospital by FET Kidd on 09/01/13.
- 047 One white cotton tshirt with blood on it worn by [REDACTED] left at La Quinta Inn at 937 North Coast Highway, OC on 09/01/13. Located by housekeeping in the trash can and collected by FET Kidd on 09/01/13.
- 048 Unsigned Residential Listing Agreement for [REDACTED] OC collected from the coffee table in the family room on 09/01/13.

CASE NUMBER
13011784

Oceanside Police Department Field Evidence Technician Report

OFFENSE: FOLLOW-UP (OIS)	DATE: 09-01-13	TIME: 2020
LOCATION OF INCIDENT: [REDACTED]		
WHERE PERFORMED: 3855 MISSION AV. OCEANSIDE.	REQUESTED BY: SGT. ALVIS	
VICTIM:	SUSPECT:	

IN CUSTODY: ☒ YES ☐ NO

LATENT PRINTS: ☐ YES ☒ NO ELIMINATION PRINTS: ☐ YES ☒ NO

DNA: ☐ YES ☒ NO DIGITAL PHOTOS: ☒ YES ☐ NO LAB REQUEST: ☐ YES ☒ NO

DISPOSITION OF EVIDENCE

☒ ALL EVIDENCE WAS PLACED INTO EVIDENCE AT OPD

☐ NO VIABLE EVIDENCE WAS LOCATED OR PLACED INTO EVIDENCE AT OPD

NARRATIVE

On 09-01-13 at about 2020 hours, I was contacted by Sgt. Alvis at the station requesting photos of officers involved in the "Officer Involved Shooting" incident that occurred earlier at

[REDACTED] He requested overall photos; front and back of the officers.

I first took a frontal overall photo of Officer Trabelsi. The officer had red bloodstains on the front of his uniform pant legs and boots. He also had bloodstains on the lower front part of his uniform shirt just above the belt line. I next took midrange and close up photos of the above

Field Evidence Technician: F. Faaiu ID Number: 848 Approved by: *Mc 724*

mentioned bloodspots on his uniform and boots. Officer Wagner was next followed by midrange and close up photos of bloodspots on the inside of his right boot at the heel. Officer Hay was next followed by Officer Weber, Officer Kaldenbach, Officer Willms, and finally Sgt. Hardy.

The photos were later uploaded into the digital evidence system under the same case number.

Oceanside Police Department
Field Evidence Technician Report

Offense: PC 664/187- Attempted Murder	Date: 09-02-13	Time: 1245
Location of Incident: [REDACTED]		
Where Performed: 937 N. Coast Hwy, Oc	Requested by: Det. WALLACE	
Victim: [REDACTED]	Suspect: FOLEY, Gregory	

IN CUSTODY: ☒ YES ☐ NO

LATENT PRINTS: ☐ YES ☒ NO DIGITAL PHOTOS: ☐ YES ☒ NO

DNA: ☐ YES ☒ NO LAB REQUEST: ☐ YES ☒ NO

DISPOSITION OF EVIDENCE

- ☐ ALL EVIDENCE WAS PLACED INTO EVIDENCE AT OPD
☐ NOTHING OF EVIDENTIARY VALUE WAS LOCATED OR COLLECTED

NARRATIVE

On 09-02-13 at 1245 hrs. I responded to La Quinta Inn (937 N. Coast Hwy) to pick up [REDACTED]
[REDACTED] white T-shirt.

I arrived at the front desk at 1308 hrs. and contacted desk clerk [REDACTED]. He handed me a plastic bag with what appeared to be a bloodstained white shirt inside. I placed it and its contents inside of a brown paper bag.

I drove directly back to the police station and turned the bag over to Det. LAVAKE at 1329 hrs.

Field Evidence Technician: S. KIDD

ID Number: 1040

Approved by: *metzu*

OCEANSIDE POLICE DEPARTMENT

OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 664/187 Attempted Murder

Date of offense: 09-01-13

Location: [REDACTED]

Beat:/Dist.:

Victim: [REDACTED]

Suspect: Gregory FOLEY

1 On 09-01-13, I was on a ride along with my advisor FET Suzanne KIDD. We responded to an
2 FET request at [REDACTED] and arrived on scene at 1832 hours. I observed FET KIDD as
3 she took photographs of the victim's injuries. FET KIDD was unable to find more possible
4 injuries because the victim was clothed in a pink bath robe and covered in blood while being
5 treated by paramedics. After, FET KIDD and I received an all-clear signal from Sgt. HARDY to
6 enter the residence. I observed FET KIDD take general photographs of the inside of the first
7 floor in the residence. I noticed multiple traces of blood in the living room, kitchen, and on the
8 outside patio. I continued to observe FET KIDD taking photographs of the non-lethal casings
9 located on the stairwell. Then, FET KIDD and I began leaving the scene to take more
10 photographs of the victim's injuries at Tri-City Medical Center. We left the scene at 1915 hours
11 only to be called back to take photographs of the husband, [REDACTED].

12
13 We arrived back on scene at 1924 hours and I observed FET KIDD take photographs of
14 [REDACTED] visible injuries and others pointed out by Sgt. HARDY. Shortly after, the suspect was
15 taken out of the residence on a gurney to be flown to Scripps La Jolla Hospital. At 2008 hours,
16 FET KIDD and I responded to Scripps La Jolla Hospital to photograph the suspect and his
17 mother. We arrived at Scripps La Jolla Hospital at 2047 hours. She told me we would be taking
18 more photographs of the victim's injuries and taking DNA swabs of both the victim and the
19 suspect. I assisted FET KIDD in holding the separate envelopes for the victim and the suspect. I
20 observed FET KIDD take photographs of the suspect's injuries first because the victim, [REDACTED]
21 was out having tests done. Then, I assisted in holding the envelope for FET KIDD as she took a
22 DNA swab from the suspect's cheek. Soon after, the victim returned and I accompanied FET
23 KIDD as she took photographs of the visible injuries on the victim. I also assisted FET KIDD in
24 holding [REDACTED] DNA envelope as FET KIDD took a DNA swab from [REDACTED] cheek. I
25 assisted FET KIDD in taking the separate DNA envelopes, the victim's robe and the suspect's
26 clothing, both in separate bags, as we left Scripps La Jolla Hospital and arrived back at the
27 station at 2215 hours. I assisted FET KIDD in placing the victim's pink, bloody bath robe in a
28 vacant dryer in the evidence trailer. I assisted FET KIDD in placing the suspect's clothing in a
29 separate, vacant dryer, which was also located in the evidence trailer.

30
31 I cleared the station at 2302 hours.

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
[REDACTED]	55026	09-02-13	Field Ops	<i>Mu 724</i>		Page 1 of 1

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

CONCLUSION:

I am forwarding this case to the District Attorney's Office for review and evaluation. I recommend that a complaint for violation of Penal Code Section PC664/187 Attempted Murder, PC368(b)(1) Elder Abuse (2 counts), PC69 Resisting or Obstructing a Police Officer (6 counts) be filed against the alleged suspect, Gregory Foley, based on the information contained in the attached arrest/crime report(s) and their addendums.

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LaVake, Mark	1210	10-02-13				Page 1 of 1

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Gregory Foley

Investigative Interview

On 09/03/13 at about 1000 hours, FET Luecht and I went to [REDACTED] to take measurements of the interior of the house. We arrived at the location and [REDACTED] allowed us into the house. While inside the house I observed [REDACTED] sitting on the couch in the living-room. I wanted to speak with [REDACTED] about the incident that occurred on 09/01/13. I recorded the interview on my digital recorder. Later at the police station I uploaded the interview into the Oceanside Police evidence "Traq" system. I learned [REDACTED] had a small stroke about three weeks ago and now has a slight speech impediment. During the interview [REDACTED] told me essentially the following:

Statement of [REDACTED]

On 09/01/13, [REDACTED] tried to remove the dog barricade blocking the stairs. After working with the dog barricade [REDACTED] went into his upstairs bedroom and locked the door. Sometime later his son, Greg Foley, forced his way into [REDACTED] room and started arguing with [REDACTED] for no reason. Greg started beating on [REDACTED] yelled for his wife [REDACTED] to get out. Greg continued to beat on [REDACTED] until he lost consciousness. I asked [REDACTED] if Greg was using anything to hit him with. [REDACTED] said he couldn't remember. [REDACTED] is unsure if [REDACTED] heard him yelling before he passed out. [REDACTED] remembers losing consciousness for what he described as two minutes but could have been longer. [REDACTED] woke up and crawled into the bathroom and shut the bathroom door. [REDACTED] said he never heard any of the announcements made by the police and only remembers responding when the officers were kicking the bathroom door.

When asked, [REDACTED] said he is not scared of Greg but wants him out of the house. [REDACTED] does not ever want Greg to come back to the residence.

OCEANSIDE POLICE DEPARTMENT

13011784

FOLLOW-UP INVESTIGATION REPORT

Case Number

Offense: PC 664/187(a)-Attempt Murder

Date of Offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

INVESTIGATIVE INTERVIEWS:

On September 2, 2013, at approximately 11:00 AM, Gregory Foley was interviewed at Scripps La Jolla Hospital in room #418-B. The interview was audio recorded and uploaded into evidence.

INTERVIEW OF GREGORY FOLEY:

For several minutes I attempted to read Foley his rights per Miranda but he insisted that he did not want to give a statement, and may need a lawyer. The interview was terminated without a statement being obtained.

On September 02, 2013, at approximately 3:30 PM, [REDACTED] was interviewed at his residence, located at [REDACTED]. The interview was audio recorded and was uploaded into evidence.

INTERVIEW OF [REDACTED]

[REDACTED] stated he lives next door to the residence where the shooting occurred. He stated he has not lived in the residence for the past 18 months, he had rented it out. [REDACTED] said his tenant had moved out, and was cleaning up the residence to move back in. [REDACTED] said the previous tenant was [REDACTED]. On the day of the incident, [REDACTED] stated he had been out to brunch with his wife and step son. When they returned (he had no idea what time it was, and admitted he had been drinking) the entire neighborhood was standing in the street, along with several police officers. [REDACTED] said he heard several gunshots from inside the residence, but he could not see anything from the street.

[REDACTED] said when he [REDACTED] lived at the residence, the son (Gregory) did not live there, but visited all the time. [REDACTED] explained he never saw or heard the son fight with the parents. [REDACTED] said the parents fought with each other all the time, and the wife in particular would swear curse words at the husband, but the son was not present.

[REDACTED]

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BAXTER	0677	09/03/13		<i>Mc 721</i>		Page 1 of 2

OCEANSIDE POLICE DEPARTMENT

13011784

FOLLOW-UP INVESTIGATION REPORT

Case Number

Offense: PC 664/187(a)-Attempt Murder

Date of Offense: 09/01/13

Victim: Foley, Beverly/Foley, Milford

Suspect: Foley, Gregory

On September 03, 2013, at approximately 9:30 AM, I interviewed Gregory Foley a 2nd time at Scripps La Jolla Hospital, room #414. The interview was audio recorded, and uploaded into evidence.

2nd INTERVIEW OF GREGORY FOLEY:

I spent several minutes trying to get Foley to agree to talk with me but, he refused. Foley finally stated he wanted a lawyer, and the interview was ended.

On September 03, 2013, I interviewed victim [REDACTED] at Scripps La Jolla Hospital, room number #448. The interview was audio recorded, and uploaded into evidence;

INTERVIEW OF [REDACTED]

[REDACTED] was badly beaten about the head, face, arms and hands. She was at first evasive, but finally agreed to tell me what happened. [REDACTED] said that her son Gregory had been in a heated argument with her husband. [REDACTED] said Gregory was furious that her husband was kicking him out of the house. [REDACTED] said that Gregory had lived in the house most of the time for years. She tried to break up the fight but was beaten by Gregory. She stated that Gregory beat her with his fists. She did not remember being hit with any weapons other than his fists. She admitted she had called 911 for help when this had occurred. She also agreed this was the last time she would take his abuse, and was never going to be allowed back in the house, and was not going to bail him out of jail. [REDACTED] said Gregory has done drugs his whole life, and also drank heavily. She said he would regularly travel to downtown Oceanside on the bus, and, return in "wee-hours" after they had gone to bed. She suspected that while he was out, he was drinking and using drugs, but she did not know what kind of drugs he was using. Gregory would drink in the house, but would keep the alcohol in his room. [REDACTED] said the rest of the events on Sunday night were a blur in her memory.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Gregory Foley

Investigative Interview

On 09/02/13 at about 1550 hours, Det. LaVake and I interviewed Lt. Cosby about his duties and responsibilities during the officer involved shooting at [REDACTED]. The interview was conducted in interview room #1. The interview was digitally recorded and a copy of the interview was uploaded into the Oceanside Police evidence "Traq" system. During the interview Lt. Cosby told us essentially the following:

Statement of Lieutenant L. Cosby

On the day of the incident, Lt. Cosby was in a patrol unit in the field when he overheard a radio call being dispatched at [REDACTED]. Lt. Cosby was not far from the scene and put himself enroute to assist. Officer M. Wheeler and Lt. Cosby arrived at [REDACTED] at about the same time. When Lt. Cosby arrived he saw that the garage door was open. A minivan was parked inside the garage and the rear tailgate on the minivan was open. An elderly female [REDACTED] was sitting on the rear bumper of the minivan. Even from a distance Lt. Cosby could see the elderly woman had blood covering her face and body. Lt. Cosby asked the female what happened and she responded that her son Greg beat her with his fists. Lt. Cosby asked her specifically if Greg used a knife. [REDACTED] told Lt. Cosby "No." While talking to [REDACTED] Lt. Cosby learned [REDACTED] husband was still inside the house with their son Greg. Lt. Cosby concentrated on moving [REDACTED] away from the house. Lt. Cosby was unaware if Greg Foley was going to come out of the house and attack him or Officer Wheeler or [REDACTED] again. [REDACTED] was very reluctant to leave the front of the house. Lt. Cosby described [REDACTED] movements as flauntingly and almost resisting. Lt. Cosby was in the process of escorting [REDACTED] down the street when an unknown neighbor approached Lt. Cosby and told him she knows [REDACTED]. This female spoke with [REDACTED] and was able to convince [REDACTED] to walk with them out of the area. Once out of the area Lt. Cosby believes he handed [REDACTED] off to Officer Nevares. Lt. Cosby had Field Evidence Technician S. Kidd come to the scene to photograph [REDACTED] injuries. OFD was dispatched to the scene to treat [REDACTED] injuries.

While Lt. Cosby was assisting [REDACTED] a perimeter was setup around the outside of [REDACTED] Way. Sgt. Hardy arrived on the scene. Officer Wheeler provided both Lt. Cosby and Sgt. Hardy with some of the background information regarding the Foleys. This information included an earlier call (approximately 40 minutes prior) he responded to. During that call, the father [REDACTED] and the son (Greg) were involved in a confrontation.

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W. Wallace	0796	9/11/13	On-going	<i>W. Wallace</i>	7001	Page 1 of 3

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Gregory Foley

Lt. Cosby and Sgt. Hardy discussed the incident. The first issue they discussed was the safety of [REDACTED] because Greg was armed with a knife. If Greg was in the process of stabbing dad they would not hear it outside. They spoke about the escalating uses of force and what the options would be. They talked about the use of non-lethal force culminating in the use lethal force. Sgt. Hardy put together a team consisting of SWAT officers and former SWAT officers to form a quick reaction team. Lt. Cosby agreed with Sgt. Hardy's plan and told Sgt. Hardy to keep him advised.

Lt. Cosby believed Officer Weber was equipped with a 40mm "Arwin" (fires 40mm less lethal sponge rounds), Officer Kaldenbach had a long rifle, he believed Officer Hay had a Taser, and Officer Trabelsi had his K-9 partner.

Lt. Cosby instructed Officer Nevares, who is a member of the Crisis Negotiations Team, to start to make announcements over the patrol vehicles PA system, telling the people inside [REDACTED] to come outside. Officer Nevares also attempted to call into the house in an attempt to make contact with the occupants. Officer Nevares was unable to contact anyone inside the residence. OPD Dispatch attempted to make calls into the house. OPD Dispatched advised Lt. Cosby that there was no answer and only a busy signal.

Lt. Cosby believed [REDACTED] life could be in imminent danger because if Greg would do this to [REDACTED] he believed Greg would do the same to his father.

Lt. Cosby could hear Sgt. Hardy and the entry team enter the rear of the house through an open sliding glass door. Lt. Cosby was at the garage and Officer Wheeler was covering the front door. Lt. Cosby could hear the entry team inside the house. Lt. Cosby believes he heard 3 to 4 sponge rounds being deployed. Lt. Cosby heard a distinct bang that he believed was a gunshot. Lt. Cosby described hearing a "Hellacious" commotion inside the house that he also described as a "donnybrook." Officer Wheeler entered the house and Lt. Cosby and Officer Nevares moved over to cover the front door. The officers in the house went Code-4. Lt. Cosby entered the house to speak with Sgt. Hardy but saw that Sgt. Hardy was busy. OFD responded to the scene and administered first aid to the suspect (Greg), who was taken out of the house on a gurney. Lt. Cosby was advised the father was located inside a room in the house.

Sgt. Hardy advised Lt. Cosby that one shot was fired by Officer Kaldenbach. Officer Kaldenbach made a public safety statement. Lt. Cosby believed it consisted of, "No suspect

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
W. Wallace	0796	9/11/13	On-going			Page 2 of 3

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Gregory Foley

outstanding, one shot fired, hit the suspect in the shoulder and went through into the ceiling." Lt. Cosby assigned Officer Sarracino to be a peer support officer for Officer Kaldenbach.

The father [REDACTED] was later placed into Tri-City Hospital because he was unable to care for himself. Lt. Cosby started to make notifications to the chain of command including Capt. Armijo, Sergeants Brazelton and Wayer and to the peer support officers. Lt. Cosby had the Officer involved in the incident returned to the police station. Sgt. Hardy stayed at the scene.

While at the Police Station, Lt. Cosby learned more information about the Foley family. He learned the mother and father were difficult to deal with.

I asked Lt. Cosby about his feelings when he arrived and saw [REDACTED] covered in blood, not getting any response from inside the house from either the father [REDACTED] or the son (Greg Foley). Based on what he had seen, from what mom [REDACTED] told him, and knowing the prior history between dad and son, he was convinced the dad's life was in imminent danger. If the son was this angry that he could do this to the mom it was only a matter of time before he did the same thing to dad. Lt. Cosby had no doubt that was what was going to happen.

Lt. Cosby knew there was a period of downtime before the officers entered the house, but if he would have heard anything that caused him to believe there was an active situation, the officers on scene would have gone in at that time. He wanted his assets in place. He wanted the people he knew would be able to maneuver and tactically accomplish this and didn't want to jeopardize the officers on the scene or the public by sending something in precipitously. He had no doubt if the son caught the dad this was exactly what was going to happen. I took to mean Greg would attack [REDACTED] like he did to [REDACTED]

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

INVESTIGATIVE INTERVIEW

Interview with Officer A. Trabelsi

OPD, 3855 Mission Ave Oceanside, CA

On 09/02/13 at approximately 0152 hours I interviewed OPD Officer Anis Trabelsi in the Investigations Division of the Oceanside Police Department. The interview was audio recorded and the recording later downloaded into the automated QueTel tracking system.

Officer Trabelsi explained he has been a police officer with OPD for approximately ten years. His current assignment, which he has held for approximately seven years, is that of a K9 Officer. His current K9 partner is Maximus and the two have been partners for three years. Officer Trabelsi is currently assigned the Sunday-Wednesday patrol shift and works from 1530-0200 hours. He has been assigned this shift since January 2013.

On Sunday 09/01/13 Officer Trabelsi began his normal shift at 1530 hours. He attended briefing and completed some administrative work. He drove to the COC (located on Oceanside Blvd) to clean his duty vehicle. Officer Trabelsi stated he heard the radio call of a Battery Just Occurred at [REDACTED]. It caught his attention when OPD dispatch relayed they were on the telephone with "Mom [REDACTED]" and she was explaining she had been assaulted by her "kid (Gregory Foley)" and he had a knife. Officer Trabelsi further noted OPD dispatch relayed they overheard in the background of the telephone call with [REDACTED] a voice stating words to the effect of "You are dead."

Via the police radio traffic, Officer Trabelsi heard Officer Wheeler state he would be en route to Milano Way "Code Three" (vehicle emergency lights and siren). Lieutenant Cosby also advised he would be en route "Code Three." Officer Trabelsi recalled the two (Wheeler and Cosby) arriving at the address at the same time. Officer Trabelsi requested via the police radio if it were necessary for him to be en route Code Three. He heard an OPD dispatcher respond with "1 King, be en route Code Three." Officer Trabelsi activated his vehicle's emergency lights and siren in the area of Douglas Drive and Pala Road. Officer Trabelsi heard Lieutenant Cosby request over the police radio that two additional units be en route to the address Code Three. Officer Trabelsi knew one of these two units was Officer Kaldenbach who arrived at the residence before he did.

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13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

I asked Officer Trabelsi what was going through his mind as he heard the information being relayed by OPD dispatch and the response of police officers to the address. Officer Trabelsi explained while he had never been to the address, he had heard the address on prior occasions. He believed it was a residence prone to family disturbance police calls in which the son was assaulting his parents. He knew he'd heard a prior disturbance call that day at the same address. He (Trabelsi) stated that information coupled with the current information; an older lady, someone armed with a knife and active threats stating "you are dead" or are going to die served to "elevate" the situation for him.

I asked Officer Trabelsi what he was thinking as he drove to the residence in terms of deploying his dog. Officer Trabelsi stated his dog was a "tool" like all his other tools and he would definitely use him to save someone's life. However, he also knew deploying his dog against a person armed with a knife would be a losing situation for the dog.

Officer Trabelsi arrived on scene and parked his vehicle. He immediately saw Lieutenant Cosby with an elderly woman. Officer Trabelsi impressed upon me the woman was "covered" in blood. He stated it almost looked as if someone had taken "red paint and painted her." Her eyes, or at least one eye, appeared swollen shut and she was shaking and nervous. Lieutenant Cosby turned to Officer Trabelsi and told him, "I need an 1141 (ambulance) right now." Officer Trabelsi immediately got on his police radio and requested that OPD dispatch deploy an ambulance. Officer Trabelsi removed his dog from the car and ran to the front of the residence. He heard (believed over the police radio) that a male subject had come out of the home and then ran back into the home and shut the door. The subject was now refusing to come back outside.

Officer Trabelsi took his dog to the right side of the house where he saw Officers' Wilms and Wheeler. The arriving officers were quickly formulating a plan for a crisis entry team. I asked Officer Trabelsi what that meant. He explained their (officers) belief was the elderly father was still inside the residence. Officer Wheeler had personal knowledge of the family and the numerous calls for service generated from the residence in the prior months. This information coupled with the obvious assault on the elderly mother, the threat overheard on the telephone by OPD dispatchers and the adult son's apparent noncompliance to law enforcement necessitated the formation of a crisis entry team.

Officer Trabelsi brought his dog Max to the back of the home. Officer Wagner had already gone back there and advised the rear sliding glass door was open, allowing access into

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Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

the home. Officer Trabelsi noted the thick cover of trees and foliage in the backyard made maneuverability difficult. Once in the back patio area, Officer Trabelsi saw areas of blood droplets and a pair of flip flop sandals "covered" in blood. Officer Kaldenbach joined Trabelsi and Wagner in the back yard. He removed a window screen to gain better visibility into the house.

Looking through the rear slider/window into the home, Officer Trabelsi saw smears of blood on the interior walls and more blood on the floor. He saw what appeared to be a dog gate and cat litter. The presence of a dog or cat in the home presented a potential problem (K9 deployment) for the officers and they spoke of solutions. A small older beagle type dog appeared from somewhere inside the home. Officer Wagner called to the dog and it came to him. Either he or Kaldenbach brought the dog to the front yard and then returned to the back yard. Officer Hay joined the officers in the back yard. They could hear that phone calls into the residence and PA announcements were going unheeded.

Officer Weber and Sgt. Hardy came into the back yard. Sgt. Hardy decided entry would be made into the home. Officer Trabelsi was positioned last in the entry stack as he had his dog. Upon entry into the home, Officers' Kaldenbach and Weber moved directly to the base of the stairs and observed that position. Officer Hay "cleared" (checked) the area to the left of the stairwell. He then returned to the stairwell and asked Sgt. Hardy to "hold" or watch the area he'd just checked to ensure it wasn't accessed as the officers checked the remainder of the home. Officer Wagner checked the kitchen and garage area. At some point, while looking toward the second floor from the bottom of the stairwell, Officer Hay called out, "Suspect, let me see your hands!" The officers quickly formed a "stack" or got into a line with Kaldenbach at the head of the line followed by Wagner, Weber, Hay and Trabelsi was last with his dog. As the officers began to ascend the stairs, Trabelsi (through the railings looking onto the second floor) first saw feet, then shorts then a shirtless white male (Gregory Foley) holding a knife. The officers (with their weapons pointed at the male) yelled commands for him to, "Drop the knife." Foley continued holding the knife but, moved backward from the stair railing approximately three feet. The officers continued up the stairs when Foley (still holding the knife) moved forward toward the railing. Officer Weber deployed his 40 MM less lethal sponge round weapon at Foley. Trabelsi could see the round hit Foley however, "It didn't faze him (Foley)." The officers continued yelling commands at Foley to drop the knife. He didn't comply but stepped back from the railing again. Weber fired another 40MM round at Foley. Foley advanced toward the railing again. Officer Trabelsi (who was maintaining control of his dog) took out his handgun and

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Victim: [REDACTED]

Suspect: Foley, Gregory

pointed it at Foley. With one hand he held his gun and with the other he held the collar/leash of his dog keeping the dog behind him. Trabelsi explained Foley was a short distance from the officers and he (Trabelsi) was sure Foley was going to lunge at or attack them. He explained the officers were confined in the narrow stairwell with a step in between each officer. Foley was seemingly unaffected by the less lethal rounds deployed by Weber and was continuing to advance while holding the knife. Trabelsi explained his finger was on the trigger of his handgun and he had Foley, "In my sights."

Foley again moved back a short distance and the officers continued advancing up the stairs. Weber fired another 40MM round at Foley. Trabelsi explained it "didn't work" and Foley didn't drop the knife. Foley began to move as if he were going into a back room. Trabelsi thought of the elderly father and was concerned if he were in that room it could turn into a hostage situation. Trabelsi heard a shot. He knew it was a rifle shot as he knows the difference between the sound of the 40MM, a handgun and a rifle. He could smell the odor of gun powder and knew that Officer Kaldenbach had fired his weapon.

Foley continued moving toward the back room. The officers quickly moved up the stairs and onto the landing. Trabelsi could see through an open door into a back room. Foley was seated on a bed, still holding the knife. The officers continued yelling commands for him to drop the knife. Weber deployed the 40MM at Foley again. Foley put the knife down on the bed, inches from his leg. Officers commanded Foley to get on the ground. Foley did not comply. He stood up, put his hand on the bedroom door and began shutting the door. Trabelsi yelled he was deploying the dog and let Max go. Max ran toward Foley, pushed through the half closed door with his body, leaped on Foley and bit him on his right hip. Max's momentum caused Foley to sit back on the bed. The knife was next to him on the bed. Foley picked the knife up with his hand. Foley was trying to stand up off the bed. Trabelsi still had his handgun drawn and thought he would have to shoot Foley. Foley was "too close", attempting to get up and armed with the knife. Instead, Trabelsi grabbed Foley's hand which held the knife. Foley's hand and arm were slippery with blood and the knife came out of Foley's hand. Trabelsi took the knife and threw it onto the floor. Trabelsi could feel the other officers close behind him. He grabbed Max and pulled him away from Foley. He holstered his gun as he needed both hands to control Max. The other officers had jumped on Foley and were attempting to control him. He was covered with blood and it was evident to Trabelsi the officers were finding it difficult to grasp Foley's moving and blood slick body. Foley was actively struggling and flailing and at one point kicked Trabelsi, with his foot, striking him (Trabelsi) on his inner left thigh. Foley raised his right arm

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Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

to strike out at the officers. Trabelsi, holding Max by his harness, brought Max toward Foley and directed him toward Foley's right forearm. Max bit down on Foley's right forearm. This bite caused Foley to yell out in pain and stop resisting the officers. They were able to gain control of Foley's arms and legs. Trabelsi ordered Max to release his bite and Max obeyed. The officers turned Foley on his stomach and placed him in handcuffs. Officer Hay ran out of the room and returned with a medical type bag. He applied pressure to the bullet wound on Foley's upper back/shoulder to reduce the flow of blood. The officers were telling Foley to "Relax" that "the paramedics are coming." Foley replied, "I don't need your help."

Trabelsi was holding Max in a corner of the room. Max was agitated and barking. Knowing paramedics would be entering the room, Trabelsi took Max outside the home and put him into his patrol car. Max had blood on his mouth, eyes, ears and body. Trabelsi wiped him down with baby wipes to clean off the blood and ensure Max hadn't been injured (he had not.) He gave Max water then secured him in the back of the car. Trabelsi cleaned off his own blood covered hands and then put on latex gloves. He re-entered the home to determine if any additional help was needed. The paramedics were tending to the still argumentative and agitated Foley. Trabelsi realized he wasn't needed and went back downstairs and out of the home. He explained he was very hot and drenched with sweat. He checked on Max and got himself a drink of water.

I asked Officer Trabelsi about the stairwell and the distance to Foley at the banister. Trabelsi initially spoke of the stack (line) of officers and how it was a fluid situation which necessitated that they switch positions as they went up the stairs and onto the second story landing. Trabelsi knew at the point he deployed Max (the first time when Foley had stood up and was attempting to shut the door) he (Trabelsi and Max) were at the brown cabinet closest to the rear bedroom. Trabelsi believed the distance between he and Foley (at the time of Max's deployment) was approximately four or five feet.

I asked Officer Trabelsi to describe how close Foley was to them as the officers were ascending the stairs and he (Foley) was on the second floor landing. Trabelsi recalled Foley was a "few inches to a foot" from the banister railing. Foley was holding the knife at chest/stomach level with his legs spread in an open "stance." Trabelsi described Foley's behavior as if he were, "taunting us." Foley would move back when he was hit by the 40MM sponge round, but appeared otherwise unaffected by the strike and would move back to within inches of the banister. Trabelsi estimated Foley was approximately two to three feet from the officers as he

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Victim: [REDACTED]

Suspect: Foley, Gregory

stood by the railing and they were climbing the stairs. Trabelsi explained he was thinking it would only take a second for Foley to lunge over the railing and stab or slash at one of the officers.

Officer Trabelsi explained during the entire encounter he never knew where the elderly father was located. He believed the father could have been in one of the back bedrooms Foley was attempting to access. His mindset was that Foley not be allowed out of their sight as that could potentially result in a hostage situation.

I asked Officer Trabelsi questions about the final location of the father, the impact and effects of the 40MM when applied to Foley and if Foley were under the influence of drugs or alcohol.

I asked Officer Trabelsi where the father was finally located. He stated he later saw Officer Wheeler speaking with the father in the room just to the right of the landing at the top of the stairs. He believed the father had been found there.

Officer Trabelsi saw a "couple" of the 40MM rounds hit Foley. He explained upon impact of the round against skin, he immediately saw circular bruising to Foley's skin. Trabelsi saw Foley exhibit little or no reaction to the pain caused by the application of the 40MM. He had seen the same weapon deployed in the past with favorable results as the suspect would normally comply with enforcement action. Trabelsi was surprised and concerned by Foley's lack of pain compliance. Based on this lack of reaction and Foley's agitation Trabelsi thought (at the time of the occurrence) that Foley may have been under the influence of PCP (Phencyclidine). He did not smell the odor of an alcoholic beverage emanating from Foley's mouth or person.

My interview with Officer Trabelsi concluded at approximately 0235 hours.

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: OIS, PC664/187 Attempted Murder

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

INVESTIGATIVE INTERVIEW:

[REDACTED]
Oceanside, CA 92056

On 09-02-13 at about 0230 hours, Detective Wallace and I interviewed OPD Officer Corey Kaldenbach. Officer Kaldenbach was working his regular patrol shift (Sunday – Wednesday from 1530 until 0200 hours) in full Oceanside Police uniform and was assigned as 9B. Officer Kaldenbach had changed out of his uniform prior to the interview. The interview took place in interview room #1 and was audio taped with his Attorney Charlie Walker present. Officer Kaldenbach was involved in an Officer Involved Shooting (OIS) at [REDACTED] in Oceanside at about 1845 hours on 09-01-13. This is a synopsis of the interview; review the recording for full interview details.

STATEMENT: Officer Kaldenbach

Officer Kaldenbach told us that he was dispatched to cover Officer Wheeler on a PC242 (Battery) radio call at [REDACTED]. Officer Kaldenbach said he was in the area of College Blvd and Via Cupeno when the call came out. While he was enroute to the call it was upgraded to a PC245 Assault with a Deadly Weapon. **OPD Dispatch broadcast that the son was armed with a knife and could be heard in the background saying, "You're going to die."** Officer Kaldenbach told us that Officer Wheeler responded that he was going Code 3 (lights and siren) to the call. Lt. Cosby also responded that he was enroute to the call. Officer Kaldenbach was contacted by Officer Willms and asked to go to the CARS channel on the radio while he was still enroute to the call. Officer Kaldenbach said Officer Willms asked him if he had his 40mm with him, which he did. Officer Kaldenbach said he returned to the OPD Primary radio channel and heard that they had gone emergency traffic (ET) and Lt. Cosby had requested two additional Officers respond Code 3. OPD K-9 Officer Trabelsi responded to the call and went enroute Code 3, so did Officer Kaldenbach. Before Officer Kaldenbach could get to the scene, he heard an update on the radio that they had the mother and she was bloody and they requested an ambulance. Officer Kaldenbach also heard Officer Wheeler saying that the suspect had come to the front door and said "come and get me."

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1 When Officer Kaldenbach arrived on scene, he grabbed a less lethal force option, his 40 mm gun
2 out of the trunk of his Police car. Officer Kaldenbach said he knew where he was going and
3 started walking to the house on the end of the cul-de-sac. Officer Kaldenbach told us he had
4 been there earlier this year due to a "verbal disturbance" between the father and son. Officer
5 Kaldenbach said that as he approached the house he saw Lt. Cosby walking with the mother and
6 she was covered from head to toe in blood. Officer Kaldenbach continued to the house and saw
7 that Officer Willms also had his 40mm Launcher deployed and at that point switched his force
8 option to lethal. Officer Kaldenbach said that he gave the bag of extra 40mm rounds to Officer
9 Willms and he put his 40mm back in the trunk of his car and approached with his long gun/rifle
10 (M4) and ensured it had a round in the chamber.

11
12 Officer Kaldenbach said he initially was on the front door and #4 side (west) with Officer
13 Willms. K-9 Officer Trabelsi and Officer Wagner arrived on scene. Officer Wagner was
14 assigned to be rear security on the back side of the house. Officer Wagner discovered that the
15 rear sliding glass door was wide open and he could see a lot of blood. Officers Kaldenbach and
16 Trabelsi went around to the backyard and also took up a position. The Officers believed this was
17 going to be the best location for a crisis entry team to enter the house. Officer Kaldenbach said
18 that they knew the father was still inside the house with the son and it would be a hostage
19 situation or he was hurting him. Officer Kaldenbach told us he removed a rear window screen so
20 he could see more clearly in the house. Officer Kaldenbach said he could see blood in the
21 kitchen and on the telephone. He also noticed the telephone was off the hook. Officer
22 Kaldenbach observed a dog (Basset Hound) walking around in the kitchen area with a leash on.
23 Officer Kaldenbach called the dog over to him so they could remove it from the house so there
24 wasn't a conflict between it and Maximus. Officer Kaldenbach took the dog out to the front of
25 the house and handed it off to Officer Weber. The dog was secured in a car and Officers Hay
26 and Weber came around to the rear of the house too.

27
28 Officers Wagner and Kaldenbach talked about the layout of the house because they had both
29 previously been inside. Officer Kaldenbach knew that the upstairs in the residence wrapped
30 around to the left with bedrooms to the left and the right. Officer Kaldenbach told us he said to
31 Officer Wagner, the parents' bedroom is to the right and Officer Wagner told him, "No it's to the
32 left." Officer Kaldenbach mentioned that Officer Wagner told him that the father was in the
33 bedroom to the left when they were there an hour ago. Officer Kaldenbach said that Officer
34 Wagner told him that he thought the son's bedroom was to the right. The crisis entry team

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Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 formed up around back. It was comprised of Officers Kaldenbach, Hay, Weber, Wagner,
2 Willms, Trabelsi and Sgt. Hardy. Officer Hay was assigned to be a less lethal force option and
3 borrowed Officer Kaldenbach's taser as another alternative. The entry team planned to place the
4 phone back into service by hanging it up. The crisis team made entry and cleared the first floor.
5 Officer Hay came up to the left of Officer Kaldenbach and cleared the left side of the kitchen and
6 living room. The stairs were also cleared. Officer Kaldenbach was a blocker holding a position
7 at the kitchen/living room area. Officer Hay then took up a position in the living room and
8 looked up at the second floor which had an area that overlooked the downstairs. Officer Hay
9 yelled "Suspect" and started giving commands to Gregory which were ignored. Officer
10 Kaldenbach said he heard someone yell "**he's got the knife.**" Officer Kaldenbach told us that
11 Officer Weber was point person at that point. Officer Kaldenbach said that the team started
12 heading up the stairs. Officer Kaldenbach said that when they got about halfway up them, when
13 he saw the suspect was holding a black handled, silver blade knife in his right hand that was
14 approximately 7 inches long and was possibly a steak knife. Officer Kaldenbach described the
15 suspect as wearing tan shorts, no shirt and had blood on his neck and chest (possibly from a self-
16 inflicted injury). Officer Weber engaged the suspect with verbal commands, "Drop the knife,
17 drop the knife, get on the ground." Officer Kaldenbach said Gregory responded, "No, go away,
18 I've already cut myself, go away, you don't need to be here." At this point no one had heard
19 from (or seen) the father and Officer Kaldenbach told us he didn't know if he was dead or alive.
20 Officer Kaldenbach said, while they were going up the stairs Gregory was moving along the
21 banister at times coming close to the team and then backing several feet away and then again
22 coming at the team before backing away. Officer Kaldenbach said he felt pretty comfortable that
23 the suspect couldn't reach them with a swipe of the knife, but could if he jumped over the
24 banister. Officer Kaldenbach believes Gregory raised the knife up one time with them. Officer
25 Weber fired two or three 40mm rounds at Gregory in an attempt to get him to drop the knife and
26 they appeared to have no effect on him. One of the other Officers was still giving Gregory
27 commands to drop the knife and to get on the ground. However, **Officer Kaldenbach said the**
28 **suspect walked towards the open end of the banister so he (Officer Kaldenbach) took his**
29 **weapon off safe.** Officer Kaldenbach said if Gregory walked around the end of the banister he
30 was going to shoot, because he (Gregory) would have been so close to them and Officer Weber
31 only had less lethal. Officer Kaldenbach said that Officer Hay was too far away to effectively use
32 the taser, but believes Gregory was engaged once or twice more with 40mm round. **Officer**
33 **Kaldenbach told us the suspect was acting as if nothing could hurt him.**
34

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FOLLOW-UP INVESTIGATION REPORT

Case Number

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Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 Officer Kaldenbach said he (Gregory) stopped; turned back and started walking towards the
2 bedrooms to the left where they believed the dad was. The entry team pushed up the stairs
3 because he was getting too far away from them and Officer Kaldenbach went up in front of
4 Officer Weber and assumed the point for the team. The entry team continued to give Gregory
5 verbal commands which he did not comply with. **Gregory continued walking and someone**
6 **said don't let him get to the bedroom. Officer Kaldenbach called out to Gregory, "stop,**
7 **come back, stop!"** Officer Kaldenbach told us he thought Gregory was going into the
8 bedroom to hurt the dad.

9
10 Officer Kaldenbach stated, *"At that point, I felt as though he was going to go hurt his*
11 *father the same way he did with his mother, fearing that he was going to hurt*
12 *somebody, or possibly kill them, I took a shot at him with my long rifle from a*
13 *crouched position on the first landing at the top of the stairs. I fired one shot (at*
14 *Gregory). I saw him flinch and then he went out of my view. I thought he fell down. We*
15 *pushed forward and as we pushed forward I could see he wasn't on the ground. So I was*
16 *yelling out to everybody behind me, I can't see him; he's not on the ground, he's out of*
17 *view. We pushed forward a little bit more and I was still in like a crouching position*
18 *coming up now and people were over the top of me. As we look to the left, the first room*
19 *on the right I saw him standing just inside the door with his back towards us, at that*
20 *moment I didn't see anybody else in the room. And it looked like he was either stabbing*
21 *himself again or maybe cutting his throat again or something because he had his arm up*
22 *towards his upper chest. At that point, someone above me deployed another 40mm round*
23 *and it struck him in the back, and he turned around and then I don't remember if there*
24 *was another 40 round that hit him but he sat down on the bed and dropped the knife next*
25 *to him on the bed, and kind of sat in an upward position with his feet towards the knife.*
26 *There were people behind me yelling (entry team members), move up, we have to go in*
27 *there, move up and I was yelling at them slow down he dropped the knife, the knives on*
28 *the bed. I turned my gun mounted light onto the knife so everybody could see it. At that*
29 *point everybody held behind me and we let Anis (Officer Trabelsi) come up with his K-9.*
30 *I think he (Gregory) sat up real quick and reached for the knife again and someone hit*
31 *him with another 40mm round at that point and he kind of cringed a little bit. He made a*
32 *motion I thought he was getting up to get down on the ground, I thought he was giving up*
33 *at that point. I don't know who it was but someone was still yelling at him to get on the*
34 *ground, hands out, show us your hands, that's went he was making the motion, I thought*

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Offense: OIS, PC664/187 Attempted Murder

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 he was going to get down instead he actually stood up and started to close the bedroom
2 door and that's when Anis (Officer Trabelsi) deployed the K-9. The K-9 made it through
3 the bedroom door and I saw him (the K-9) latch onto the suspects arm. Anis (Officer
4 Trabelsi) went in after the dog. I put my gun on safe and I started to move forward with
5 Anis (Officer Trabelsi) he was a little ways ahead of me though, so when he went through
6 the door he pushed it open so hard that it started to swing back and close and I had to
7 push it open again and when I pushed it open I saw that Anis (Officer Trabelsi) was on
8 top of the dog grabbing it by the collar. And he grabbed, Anis (Officer Trabelsi) grabbed
9 the knife with his right hand and tossed it and the guy was on the bed right next to the
10 knife at that point. After he tossed the knife I was already starting to coming around the
11 other side of the bed to help try and get a hold of this guy. Anis (Officer Trabelsi) had
12 two hands on the dog at this point and I think was allowing the K-9 to stay on the arm
13 until we got people with positive control on the guys arms. He was fighting with the dog
14 and with Anis (Officer Trabelsi), so I struck him in the face with a fist two or three times
15 as a distraction to get him to stop fighting with him, Anis (Officer Trabelsi). It didn't
16 really work. Someone was striking him in the chest with the 40mm launcher to get some
17 more distraction blows on him and I think he was kicking some of the other Officers. At
18 that point we started to get him rolled over, but then he looked like he started to roll over
19 himself to kind of try and jerk away his right arm way from the dog and from Anis
20 (Officer Trabelsi). And that's when he rolled over completely onto his stomach. I
21 grabbed onto his head with both hands like around his jaw line to try and keep him still.
22 I think (Officer) Sam Hay was to my left and Sam was trying to get a hold of his
23 (Gregory) right arm at that point and I don't know, I think (Officer) Justin Willms was on
24 his other arm. And as I was keeping control of him Sgt. Hardy was in there. And I saw
25 Sgt. Hardy starting to try and handcuff his arms and he got him handcuffed. And that's
26 when I think Sam (Officer Hay) was yelling out to somebody to grab the first aid kit. And
27 that's when I looked at his (Gregory's) back and saw where I thought I struck him with
28 my round it was a big wound on his back on his left upper shoulder. And then, I could
29 see outside the room they were still attempting to try and find the father [REDACTED] And I
30 think I saw Frank Wagner kicking in one of the doors to one of the bedrooms I think and
31 someone else was kicking in another door. They found the dad [REDACTED] barricaded in
32 the bathroom at that point and made sure he [REDACTED] was okay. I stayed in the bedroom
33 with Sam Hay until Frank (Officer Wagner) came back and he was asking if we needed
34 help. Sam (Officer Hay) told Frank (Officer Wagner) to take me out of the house. So

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FOLLOW-UP INVESTIGATION REPORT

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Case Number

Offense: OIS, PC664/187 Attempted Murder

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 *that's when Frank said okay come with me, give me your gun. So I made sure my rifle*
2 *was still on safe, I unclipped it from my sling and handed to Frank (Officer Wagner) and*
3 *Frank walked me out of the house. And then I stayed out in front of the house."*
4

5 Detective Wallace asked Officer Kaldenbach what he was feeling going into this house and did
6 he discuss it with anyone. Officer Kaldenbach told us he discussed the situation with Officers
7 Trabelsi and Wagner when they were at the rear of the residence. They had talked about
8 potential scenarios for when they encountered Gregory in the house. They determined that if he
9 (Gregory) came down the stairs at them, or popped out of somewhere with any weapon other
10 than a gun Officer Trabelsi would deploy the dog. If the dog was ineffective, or Gregory had a
11 weapon that potentially would attack them and hurt them, then Officer Kaldenbach knew he
12 would have to shoot him. Officer Kaldenbach told us he knew it was a serious situation after
13 hearing Officer Wheeler broadcast on the radio that the suspect said, "Come and get me," and
14 seeing the mother covered in blood. Officer Kaldenbach said, "I was pretty scared and amped
15 up." Detective Wallace asked Officer Kaldenbach if he remembered seeing or smelling the
16 objective symptoms of alcohol on Gregory when he came into close contact with him. Officer
17 Kaldenbach told us he didn't remember smelling anything in the house except for the smell of
18 blood (smells like the metal odor of iron). Officer Kaldenbach also remembered that it was very
19 hot inside the house too.
20

21 Detective Wallace asked Officer Kaldenbach about their efforts to call into the house. Officer
22 Kaldenbach said that when he was at the rear of the residence he could hear Officer Nevares
23 (recognized his voice) on the PA system in front of the house calling out to possibly "Gary" to
24 come out with his hands up, and also to the dad. Officer Kaldenbach told us thinks Officer
25 Trabelsi may have called out once, but then they stayed quiet because they though they heard
26 talking upstairs.
27

28 Detective Wallace also asked Officer Kaldenbach about the verbal communication between them
29 and Gregory during the incident. Officer Kaldenbach told us he didn't have any direct
30 communication with Gregory. Officer Kaldenbach said when the entry team was on the stairs,
31 Gregory responded to their commands, "No, go away, I've already cut myself, go away."
32 Officer Kaldenbach told us he stopped yelling commands and concentrated on his (Gregory)
33 movements and on his "job" to protect the entry team from the suspect. Officer Kaldenbach also
34 said it was his responsibility to provide front lethal coverage. Officer Kaldenbach was

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Victim: [REDACTED]

Suspect: Gregory Foley

1 concerned for the safety of Officer Weber who was ahead of him on the stairs and he didn't have
2 lethal coverage and wanted to make sure the suspect didn't hurt him (Officer Weber) or assault
3 the team with the knife.

4
5 Officer Kaldenbach told us he was scared for Officer Weber's safety and also the father's
6 because he saw all of the blood and didn't know where he was. At the time of the shooting,
7 Officer Kaldenbach also didn't know that there were two bedrooms upstairs to the left side of the
8 residence. Officer Kaldenbach told us he has been a Police Officer for just over six years; he has
9 been with SWAT for less than two years; works Sunday through Wednesday from 1530 hours to
10 0200 hours, slept nine to ten hours the night before, he isn't sick or hurt in any way, and he takes,
11 a [REDACTED] once a day. Officer Kaldenbach ate cereal in the morning, a granola bar during
12 briefing and he ate a small bag of beef jerky after briefing. Officer Kaldenbach additionally
13 qualified with his rifle on Wednesday, 08-28-13.
14

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OCEANSIDE POLICE DEPARTMENT
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13011784
Case Number

Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Foley, Gregory

INVESTIGATIVE INTERVIEW

Interview with Officer L. Weber
OPD, 3855 Mission Ave Oceanside CA

On 9/2/13 at 0200 hours I interviewed OPD Officer L. Weber in the Investigations Division of the Oceanside Police Department. The interview was audio recorded and the recording was later downloaded and placed in OPD evidence.

Officer Weber is currently assigned to the Special Enforcement Section as a Gang Suppression Officer along with his partner Officer Nevares. He has been a police officer since 4/16/2009

I asked Officer Weber to take me back to tonight's incident when he received a radio call. Officer Weber and his partner Officer Nevares responded from Pappy's Market located at the corner of N. Cleveland and Surfrider St (Downtown). Initially the call came out as a PC 242 Battery involving a son and his mother. Initially they (Weber and Nevares) did not respond to the radio call. However when the call was upgraded to a PC 245 ADW involving a knife, Officer Weber and his partner began to respond. They believed this call would possibly turn into a barricade. As they proceeded to the location, OPD dispatch had advised responding units that the suspect (Gregory) who was armed with a knife had come to the front door and told patrol Officers, they would have to come in and get him. Officer Weber and his partner responded code-3 (Red lights and sirens). Just prior to arriving, Officer Weber heard Officer Willms had

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Foley, Gregory

1 arrived on scene. Officer Weber had communicated with Officer Willms to set up a crisis entry
2 team.

3
4 Upon arrival the first person that Officer Weber saw was the victim [REDACTED] Her eyes
5 were swollen and her entire face was covered in blood. She was being attended to by a friend.
6 Initially Officer Weber was armed with his Department issued MP-5 sub-machine, and began to
7 survey where everyone was positioned. Officer Weber was also thinking about "shrinking this
8 problem" meaning if the suspect is the only one in the house, then you can contain the house and
9 treat it like a barricade. Officer Weber walked back over to the victim [REDACTED] and asked her
10 some basic questions concerning her husband. He asked her for his age, name, health conditions
11 etc. Officer Weber and Officer Hay pulled up Officer Wheeler's vehicle towards the front of the
12 house and began giving "PA announcements" over the police PA system located in the vehicle.
13 Officer Weber indicated he initially gave the announcements but then called over Officer
14 Nevares who is a Department trained Crisis Negotiator to continue the PA announcements.
15 Officer Weber then contacted Sgt Hardy and Lt Cosby who were in front of the house. Officer
16 Weber can't remember, but one of the supervisors indicated that they would have to form a crisis
17 entry team and make entry. Also there was an attempt to place calls into the residence but the
18 line was busy or off the hook. Officer Weber was also told, the father who was still believed to
19 be in the residence was hard of hearing or had some type of existing medical condition. Sgt
20 Hardy pulled Officer Weber and Hay over and indicated that they would need to make a crisis
21 entry into the residence. During this time Officer Weber indicated that at least 5 PA
22 announcements were made but met with negative results.

23

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Victim: [REDACTED]

Suspect: Foley, Gregory

Officer Weber walked back to the "3side" of the house or the back yard where he located Officer Wagner who was forming a crisis response team. Prior to this, Sgt Hardy asked Officer Weber if he had any less lethal options. Officer Kaldenbach indicated that he had a 40mm gun in his trunk. After retrieving Officer Kaldenbach's less lethal weapon he (Weber) joined up in the back with Officer Wagner who was armed with his handgun, Officer Kaldenbach was armed with his department issued M-4 rifle and Officer Trabelsi with his K-9. Officer Weber also indicated Officer Willms was armed with a 40mm less lethal weapon but was on the "1side" the front side of the residence. At the last minute Officer Hay joined up with the crisis entry team armed with his department issued handgun and a taser. Officers Hay, Kaldenbach and Wagner are the first to enter the house through the rear sliding door. Officer Weber was the fourth person to enter the house with Sgt Hardy behind him. Officer Wagner cleared the kitchen area, Officer's Hay and Kaldenbach went to the left and cleared the mini living room area. Officer Hay continued on and cleared the dining room area and called Sgt Hardy over to cover him as he cleared the rest of the downstairs area. Officer Kaldenbach was holding the stairs while the search is being completed. As Officer Hay completes his search, Officer Weber hears Officer Hay giving commands to the suspect who was upstairs. Officer Weber moved to the stair case and went mid-way up the stairs and stopped and held his position. As Officer Weber said he looked up and could see the suspect through the spindles of the railing. Officer Weber could see the suspect was armed with a knife in his right hand. Officer Weber saw the suspect (Gregory) walk to the top of the stairs and yelled at the Officers " Get out of here I've already stabbed myself". At this point Officer Weber told me he can see that the suspect has the knife raised above his head. Officer Weber immediately recognized this as a threat and the real possibility the suspect could come down the stairs armed with a knife. Officer Weber fired one 40mm less

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Victim: [REDACTED]

Suspect: Foley, Gregory

lethal round at the suspect. As Officer Weber attempted to re-load his gun and bring it up, the sling to the gun got hung up or caught on his holster. Officer Weber told me Officers Kaldenbach and Wagner are were on the stairs with him. Officer Weber untangled his gun from his holster and fired a second round through the spindles but was unsure if he hit the suspect. I asked Officer Weber after firing his second less lethal round if the suspect was still armed. Officer Weber replied yes. Officer Weber also told me after reloading his last round he attempted to break one of the spindles which were wooden but he was unsuccessful. Officer Weber was concerned he had hit the suspect with his less lethal rounds at least twice but had no effect on him. I asked Officer Weber what was going through his mind. His concern was the less lethal had no effect on the suspect and he was concerned the suspect who was still armed could easily come around the stair case and attack him and other officers. For the first time Officer Weber was concerned about having to use lethal force. At this point Officer Weber was out of less lethal rounds and backed down the stairs. Officer Kaldenbach takes his place in the number # 1 position and Officer Willms joined the stack of officers on the stairs because he was also carrying a 40mm less lethal gun. This is a Department SWAT issued weapon. Officer Willms was also carrying extra less lethal rounds that he retrieved from his equipment bag in his police vehicle. Officer Weber retrieved one more additional round from Officer Willms.

As Officer Weber was re-loading his weapon and looking down he heard a 40mm round being deployed and then heard a loud "Pop" and his ears began to ring. Officer Weber realized that someone had fired a lethal round. He assumed it was Officer Kaldenbach. Officer Weber looked up and saw the suspect running towards a room. Officer Weber and other officers moved up the stairs. As he (Weber), Officer's Hay and Trabelsi stack up to the right side of the door

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Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Foley, Gregory

1 leading into the bedroom, Officer Weber could see the suspect sitting on a bed with a knife in his
2 hand. Officer Hay began to give commands to the suspect to drop the knife. Officer Weber fired
3 another 40mm less lethal round at the suspect. The 40mm round hit the suspect in the torso area
4 causing the suspect to drop the knife on the bed at an arm's length away. Officer Trabelsi then
5 deployed his police K-9. As officers entered the bedroom the suspect (Gregory) would not show
6 his hands. Officer Weber assumed that the suspect still had the knife. Officer Weber does not
7 remember who had the suspect left arm but remembers Officer Trabelsi was on the suspect's
8 right side along with his police K-9. At this point Officer Weber does a "muzzle strike" with his
9 less lethal weapon. This is striking a person with the muzzle (front portion) of the weapon.
10 Officer Weber did this two or three time in the torso area. I asked Officer Weber why the muzzle
11 strikes. He did this because he was out of ammunition. As the fight continued officers were
12 yelling "stop fighting, stop fighting". After a short fight the suspect was taken into custody. The
13 father was not in the room. Officers began to search for the father. Officer Weber remembers
14 Officer Wagner and Wheeler locating the father in the bathroom. After assisting in clearing other
15 rooms Officer Weber confirmed that OFD was en route to treat the suspect. I asked Officer
16 Weber if the suspect said anything while waiting for medical treatment. Officer Weber
17 remembers the suspect saying "I just want to die". I asked Officer Weber if he wanted to add
18 anything to his interview. Officer Weber expressed on numerous occasions the suspect, Gregory,
19 presented several deadly force confrontations towards officers. He also felt officers used restraint
20 in dealing with this potential deadly force incident
21

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Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Greg Foley

Investigative Interview

On 09/02/13 at about 1455 hours, Det. LaVake and I interviewed Officer Wheeler about his duties and responsibilities during the officer involved shooting at [REDACTED]. The interview was conducted in interview room #1. The interview was digitally recorded and a copy of the interview was uploaded into the Oceanside Police evidence "TraQ" system. During the interview Officer Wheeler told us essentially the following:

Statement of Officer M. Wheeler

We asked Officer Wheeler to give us a brief description of his work day on the day of the incident. Wheeler is assigned to the night watch patrol shift and finished briefing at about 1615 hours. After briefing, Wheeler completed tasks around the police station before deploying into the field at about 1650 hours. At about 1708 hours, Wheeler was dispatched to a radio call of a family disturbance at [REDACTED]. Wheeler stated he has responded to [REDACTED] about three to four times in the last seven months. The occupants of the house are [REDACTED] and their son Greg Foley. Officers Wheeler and Wagner arrived at about the same time. Wheeler knocked on the front door. [REDACTED] answered the door and when asked what was wrong, [REDACTED] responded "They're at it again." [REDACTED] also said Greg needed to be arrested. When asked, [REDACTED] said she was fine and had no problems. Wheeler checked on the welfare of both [REDACTED] and Greg. Officer Wagner stayed downstairs while Wheeler went upstairs to contact Greg and [REDACTED]. Wheeler contacted Greg in his bedroom. Greg was lying on his bed. Wheeler believed he smelled alcohol inside the bedroom but isn't sure because the interior of house always has a distinct odor. Greg said, "She called again." Wheeler asked Greg if he was ok. Greg said he was. Wheeler asked if he had been fighting with dad. Greg responded, "It was the same thing."

Wheeler attempted to contact [REDACTED]. On past occasions [REDACTED] has locked himself inside the bathroom or bedroom and hasn't made contact with the officers. [REDACTED] came upstairs and banged on the bathroom door to get [REDACTED] to speak with Wheeler. Eventually [REDACTED] opened the bathroom door. It was dark in the bathroom and [REDACTED] was sitting on the counter top. He appeared to be fine but was yelling at Wheeler to leave him alone. Wheeler wanted to make sure [REDACTED] was ok. It was dark inside the bathroom and Wheeler could not see any injuries on [REDACTED]. At this point Wheeler was convinced [REDACTED] was fine. [REDACTED] slammed the door closed. Wheeler told [REDACTED] she needs to obtain a restraining order against Greg and have him evicted. Beverly responded, "I know I haven't done that yet." [REDACTED] also said, "Next time I'm going to wait until they do something drastic to each other." Wheeler asked [REDACTED] what happened today. [REDACTED] told him it was just a verbal argument. After exiting the house,

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Case Number

Offense: PC 664/187 Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Greg Foley

Wheeler and Wagner stayed outside the house listening for about 10 minutes before clearing the scene. He did not hear anything coming from the house.

We clarified with Wheeler about the prior calls he has responded to at [REDACTED]. The previous radio calls he has been to at [REDACTED] were arguments between [REDACTED] and Greg. The family usually attempts to downplay the incidents. Each time [REDACTED] refuses to speak with officers. Wheeler described [REDACTED] role in the house as wife and care giver for [REDACTED]. Wheeler stated Greg has been non-aggressive during the previous calls. Wheeler has smelled alcohol on Greg in the past but is not sure if he could not smell any alcohol during the latest incident. [REDACTED] is very loud and "in your face" when at the house. Part of being loud is possibly because [REDACTED] has a hearing problem. This includes being loud with both the family and the officers. Wheeler has only ever contacted [REDACTED] in the upstairs portion of the house.

Det. LaVake asked Wheeler if he observed any blood inside the bathroom during the initial call. Wheeler did not see any blood. While in the house, Wheeler walked through the kitchen and upstairs and did not see any blood. The only thing Wheeler felt was out of place during the initial call was a bench leaning against a wall at the top of the stairs. Det. LaVake asked Wheeler if the family would have said anything to him if one of them were injured. Wheeler believes [REDACTED] would have told him if anything happened because that way they could make Greg go away. It seems to Wheeler that the verbal arguments are always between Greg and [REDACTED].

I clarified with Wheeler about a statement he made earlier, when he said he looked into the bathroom and did not see any serious injury on [REDACTED]. Wheeler did not see any injuries on [REDACTED] when he was there earlier in the day. Wheeler did not have a good view of [REDACTED] because the lights were off in the bathroom. [REDACTED] got off the bathroom counter and approached Wheeler. Wheeler described [REDACTED] as being half in and half out of the bathroom. If there was blood on [REDACTED] body he did not see it.

After clearing the initial call, Wheeler was dispatched to a check a vehicle call. After clearing the check the vehicle call he was in the area of "Lowes" at Old Grove and Mission Ave. Wheeler received the second call to [REDACTED]. This call initially came out as a battery incident. Dispatch mentioned a "knife" being involved and the dispatcher overheard a male say something to the effect of, "I'm going to kill you." Wheeler said, "I think my fear was always there that something like this was going to happen, so considering that I had just been there

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Case Number

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Date of offense: 09/01/13

Location: [REDACTED]

Victim [REDACTED]

Suspect: Greg Foley

knowing this and the attention mom was probably on son....son was on mom about calling the police again my attention immediately rose, I just went Code-3."

Wheeler was responding to the scene when Lt. Cosby caught up with him in the area of Mesa Drive and Old Grove Rd. Lt. Cosby followed Wheeler to [REDACTED]. Once on scene Wheeler locked the complex's security gate open and went to the location. Wheeler parked at the end of the street where [REDACTED] is located. Wheeler described his location as being about 200 to 300 feet away from [REDACTED]. Wheeler could see [REDACTED] sitting in the rear of the minivan, inside the garage, with the rear hatch locked up. Wheeler said, "He could tell from that distance the she [REDACTED] was "Completely messed up," I could see blood all over her body, she looked dazed." Wheeler exited his car and asked for emergency traffic and 11-41 (ambulance). Wheeler and Lt. Cosby approached [REDACTED] and he asked her who did it. [REDACTED] said it was her son. She had severe swelling to her face but it was hard to tell where the blood was coming from. Both of [REDACTED] eyes were swollen shut. Wheeler was concerned about where Greg was. While Lt. Cosby spoke with [REDACTED] Wheeler kept his focus on the house. Wheeler did confirm with [REDACTED] that Greg was the person that attacked her. [REDACTED] did not say anything about a knife at this time. Wheeler asked for two more units to respond code-3 (Lights and sirens). Wheeler's main concern switched from [REDACTED] because she was breathing and alive, to [REDACTED] because during past calls he has never seen any aggression from Greg towards mom. Wheeler thought if [REDACTED] was this beat-up, [REDACTED] was either injured or dead. While waiting for additional police units to arrive, Wheeler asked Lt. Cosby to move [REDACTED] out of the area.

Lt. Cosby was in the process of walking [REDACTED] down Milano Way when the front door to the residence opened. Wheeler stated he pulled his handgun but then told me he actually pulled his Taser and told Greg to come out with your hands up. Wheeler was about 15 feet away from the front door and could immediately see it was Greg at the door. Wheeler never saw Greg's right hand but did see his left hand on the door frame. Greg responded, "Fuck you, you come in and get me." Greg then shut the front door. Other officers started to arrive on the scene. Wheeler continued to update OPD Dispatch on what was occurring. Wheeler believed this incident could turn into a barricaded suspect or a crisis entry situation.

Lt. Cosby came back to Wheeler and asked him what he was thinking. Wheeler told Lt. Cosby that they needed to get into the house because [REDACTED] was probably injured. Officers continued to arrive on the scene. Officer Wagner and Officer Kaldenbach took up a perimeter position at the rear of the house. Officer Nevares, who is a member of the Crisis Negotiation Team, arrived

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Greg Foley

and was directed to make announcements into the house. Wheeler and Officer Willms spoke with Officer Weber about the need to enter the house because [REDACTED] might be injured inside. While outside the front of the house Wheeler had lethal force while Officer Willms was equipped with a 40mm less lethal weapon. Wheeler provided a description of the interior of the house by drawing a rough sketch on the rear of a notebook. Wheeler also told Weber what rooms he believed [REDACTED] could be in. [REDACTED] could be in one of the rooms on the right at the top of the stairs and Greg could be in one of the rooms on the left at the top of the stairs. Wheeler believes three or four of the officers on the entry team have been to the house before.

The entry team went to the rear of the house while Officers Wheeler, Samoa and Nevares secured the front of the house.

I asked Wheeler about his mindset. I asked, with all the injuries and the blood on [REDACTED] and the mention of a knife in the dispatch call going over there, did you form a thought about this. Wheeler said, "She looked stabbed to me, for sure, she looked stabbed to me, but I couldn't see any stab wounds." "Like I said there was so much blood, and her face was so disfigured it could have been anything, it could have been a bat to the back of the head." "He could have pounded her head into the back of the ground; I couldn't tell there was just so much blood."

Wheeler told me in all the previous calls there have never been any injuries. When Greg said, "Fuck you come and get me" Wheeler thought Greg has never been that way. Wheeler stated, "The way he (Greg) said it and the look on his face concerned Wheeler. I felt fear for dad. During the whole incident, even when relaying things to other officers his biggest fear was that [REDACTED] was dead. His whole thought process is that he [REDACTED] was going to be down. His priority was to get into the house."

While waiting for the entry team to enter the house, Wheeler never heard any noise coming from the interior of the house. Wheeler believed he was on scene for 30 to 40 minutes before the team made entry into the rear of the house. Wheeler is not sure of the exact order of what occurred next but he did hear the following. After the team entered the house, Wheeler could hear 40mm rounds being deployed. He is not sure of the number of 40mm rounds fired but believed it might have been around four but at least three maybe five. The reason was the sound was muffled because he was at the front of the house. Wheeler could hear a commotion coming from what he knows to be the area of the stairwell. The noise was coming through the ceiling of the garage. He could hear officers saying, "Get down, show me your hands, he's got a knife." He then heard the distinct sound of a rifle being fired.

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Case Number

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Location: [REDACTED]

Victim: [REDACTED]

Suspect: Greg Foley

At that point Wheeler and Samoa made entry into the front of the house. Wheeler could hear officers giving the person verbal commands to get down and stop moving. Wheeler also believes he heard someone say "dog deployment." Wheeler observed Sgt. Hardy taking a position in the living-room looking up. Wheeler holstered his weapon and went up the stairs. As he was walking up the stairs he saw, "40 round...40 round...40 round...40 round and then 223 round." He arrived at the top of the stairs and Officer Wagner approached him and said they had to find dad. Wheeler could still see the officers struggling with Greg in his bedroom. Wheeler could see blood in the bedroom and Greg on the ground. He described Greg as being non-compliant.

All three doors on the right side of the stairs where Wheeler believed [REDACTED] was were locked. [REDACTED] started to kick the bathroom door to get it opened. The bathroom door was jarred open and [REDACTED] started yelling, "Stop...stop...stop coming in...don't come in...I don't want to see you...I don't want to talk to you." They were able to get [REDACTED] out of the bathroom. Wheeler described seeing wounds on [REDACTED] but not the same type of wounds as he saw on [REDACTED]. Wheeler described the wounds on [REDACTED] as old age wounds as if he was grabbed. [REDACTED] had blood on his arms and some wounds on his shoulder that were bleeding through his shirt. Wheeler did not see these wounds earlier. There were also some Band-Aids on [REDACTED] hands. [REDACTED] was adamant the injuries were because of the Bulgivia plant. Other officers helped with [REDACTED]. They cleared the rest of the residence.

They tried to calm [REDACTED] down. [REDACTED] did not understand his wife went to the hospital. While sitting with [REDACTED] for a while Wheeler observed bruising on the upper portion of his left arm. [REDACTED] would not allow the paramedic to look at the wound.

Wheeler believes [REDACTED] was wearing a darker shirt when he responded to the earlier call not the white shirt he was wearing when he was contacted in the second time.

Wheeler feels that after he left the scene from the first call, Greg went downstairs and accosted mom because he was angry that she called the police.

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OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, PC368 Elder Abuse, PC69

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

INVESTIGATIVE INTERVIEW:

Interview [REDACTED]

Sgt. Hardy

Oceanside, CA 92057

On 09-01-13 at about 1810 hours, Sgt. Hardy was working his normal work schedule as a patrol supervisor when he heard a radio call broadcast by OPD Dispatch about an incident at [REDACTED]. Detective Wallace and I interviewed Sgt. Hardy at about 2322 hours on 09-01-13 at OPD Investigations. Sgt. Hardy was inside the residence at [REDACTED] as the Supervisor of the entry team during the Officer Involved Shooting (OIS). The interview was audio taped. This is a synopsis of the interview; review the recording for full interview details.

STATEMENT: Sgt. Hardy

Sgt. Hardy told us he was doing paperwork at OPD Headquarters when the radio call was broadcast. A woman called OPD and reported her grown son had threatened to attack her or had attacked her. The OPD Dispatcher on the phone heard the grown son, Gregory Foley [REDACTED] in the background threaten to kill his mother while she was still on the phone. Officers responded Code-3 (lights and siren). Officer Wheeler was the first Officer to arrive on scene with Lt. Cosby right behind him. Sgt. Hardy said he listened to the call on the radio and heard the Officers had found the mother, [REDACTED] and she had been assaulted. While Officers were attending to the mother, the son/suspect was engaged by Officer Wheeler. The son/suspect whose name is Greg Foley told Officer Wheeler that they had to come in and get him. Sgt. Hardy went enroute to the incident and heard the scene was contained and the crisis entry team had been prepped.

When Sgt. Hardy arrived on scene, he immediately contacted Lt. Cosby and was updated on everything that had happened to that point. Sgt. Hardy then focused on [REDACTED] and getting her moved from the front of the house to around the corner. Sgt. Hardy and another Officer carried her while she was seated in a chair out of view from the residence. [REDACTED] was then turned over to the care of the paramedics. Sgt. Hardy later told us that [REDACTED] looked like something out of a horror flick with all the blood on her. Sgt. Hardy said he and Lt. Cosby

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OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, PC368 Elder Abuse, PC69

Date of Offense: 09-01-13

Victim:

Suspect: Gregory Foley

1 discussed the situation and they feared for the safety of the father, [REDACTED] who
2 was still in the residence. Sgt. Hardy and Lt. Cosby decided together that they needed to enter
3 the house. Sgt. Hardy said that there were announcements [REDACTED] on at this time for the son, Greg
4 to put down his weapons and come out of the house. They learned that there weren't any
5 firearms in the house, but he (Greg) was armed with a knife.

6
7 Sgt. Hardy told us he contacted Officer Weber, a current OPD SWAT member and asked him to
8 put together an entry team. Sgt. Hardy wanted to make sure the members had less lethal as well
9 as lethal force options available to them. When Sgt. Hardy went around to the rear of the
10 residence where the entry team was located, he discovered no one had ARWIN rounds (40mm
11 sponge round) and had an Officer go get one. Sgt. Hardy also wanted to have a K-9 too. Sgt.
12 Hardy told us he made the decision to have Officer Trabelsi bring his K-9 into the house with the
13 entry team and Officer Hay would not. Sgt. Hardy said the entry team entered the residence at
14 about 1840 hours and cleared the downstairs. Sgt. Hardy told us he then heard Officer Hay who
15 was in the living room looking up towards the upstairs, yelling at someone, "Let me see your
16 hands, drop the knife" or something along those lines. Sgt. Hardy said he couldn't see the
17 suspect from his position. Sgt. Hardy told us Officers started going up the stairs while Officer
18 Hay continued to engage the suspect verbally. Sgt. Hardy said that the Officers had to clear
19 items (dog gate) from the bottom of the stairs before they could proceed. Sgt. Hardy then heard
20 the Officers on the stairs engage the suspect with commands "Drop the knife; let me see your
21 hands." Sgt. Hardy could also hear the deployment of the ARWIN rounds (40mm rounds) and
22 their impacts. Sgt. Hardy then took a position in the living room standing on the couch to try and
23 get as high as possible and to get the best view of the upstairs in case the suspect decided to jump
24 off the balcony. Sgt. Hardy said he heard three to four or more ARWIN rounds being deployed
25 and thought to himself that's more than he thought any normal human could take. Sgt. Hardy
26 told us he then heard a different sound of a weapon discharged, and thought that someone must
27 have discharged a weapon. Sgt. Hardy could not see the Officers and their engagement with the
28 suspect, he only saw the bottom of the stack in the stairwell and he could hear the verbal
29 commands being given to the suspect. It was obvious to Sgt. Hardy that the suspect was
30 noncompliant. Sgt. Hardy said he saw the suspect run towards a bedroom, and at that point he
31 went up the stairs to see what was going on. Sgt. Hardy told us when he got up stairs he saw the
32 suspect was in a bedroom (where he was taken into custody) and he saw the K-9 was attached to
33 his arm. Sgt. Hardy saw the suspect fall to the bed and he grabbed an arm to try and control him.
34 Sgt. Hardy grabbed his right arm and the dog was attached to his left arm. Sgt. Hardy said he

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OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, PC368 Elder Abuse, PC69

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 had a tough time holding onto the suspects arm. He noticed what looked like a gunshot wound
2 to his back as they cuffed him. Sgt. Hardy said OFD was requested for the suspect. Sgt. Hardy
3 told us he saw Officer Wheeler talking with the father [REDACTED] who had been in the bathroom
4 and made sure he was okay. They tried to get [REDACTED] out of the house, but he refused to leave.
5 Sgt. Hardy said Officer Wheeler spoke to [REDACTED] by telephone, another son and
6 learned that [REDACTED] was gravely disabled and could not take care of himself. [REDACTED] was
7 transported to Tri-City Hospital (OPD Case#13011785) until his son [REDACTED] could take
8 care of him.

9
10 Det. Wallace asked Sgt. Hardy to confirm who was on the entry team with him and he identified,
11 Officers Willms, Weber, Wagner, Kaldenbach, Hay and Trabelsi (K-9). Sgt. Hardy also told us
12 that Officers Wheeler, Samoa and Lt. Cosby were at the front of the residence. Sgt. Hardy
13 additionally thought that several other Officers may have been involved.

14
15 Sgt. Hardy told me that he didn't hear the suspect say anything the entire time. Sgt. Hardy said,
16 "It was almost unreal, when I came up the stairs and saw him with the dog attached knowing he
17 had been hit so many times with the ARWIN round seeing what looked like and putting two and
18 two together I heard the shot now I'm seeing what looks like a bullet hole in what to me seemed
19 like his chest....(shoulder) and the fact that he was still fighting, it was surreal. I can't believe
20 this guy is continuing on like this.....he was struggling continuing to pull away, continuing to
21 physically struggle with us while trying to get control of him."

22
23 Detective Wallace asked Sgt. Hardy what his state of mind was when he arrived on scene and as
24 the situation unfolded. Sgt. Hardy told us he had to first figure out what they had. (He knew
25 something serious was going on) Sgt. Hardy said, Lt. Cosby briefed him on the situation and he
26 said, "I think we have an obligation to this older man to get in there.....and make sure dad is not
27 bleeding out or about to get pummeled." (If mom looks like this, dad may look like this too).
28 Once the decision was made to enter the house, Sgt. Hardy said he made sure they assembled a
29 team that had all the resources they needed, lethal and less lethal force options. Sgt. Hardy said
30 the encounter with the suspect sounded very controlled to him. He could hear the Officers repeat
31 their commands, the suspect refused to comply; he could hear the use of the ARWIN rounds and
32 their lack of effectiveness. Sgt. Hardy said based on his experience at OPD through all of the
33 Officer Involved Shootings he has investigated or been part of, often our Officers will wait

OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, PC368 Elder Abuse, PC69

Date of Offense: 09-01-13

Victim:

Suspect: Gregory Foley

-
- 1 longer than legally necessary to use lethal force. Sgt. Hardy told us they never heard from the
2 dad and he didn't hear the suspect say anything during the incident.
3
4 Detective Wallace asked if Sgt. Hardy smelled the odor of alcohol or observed any of the
5 symptoms of being under the influence of drugs or alcohol. Sgt. Hardy did not notice any
6 symptoms but suspect was face down when he was cuffed. Sgt. Hardy told us he made the
7 assumption that he (Greg) was on something, due to all that he took physically.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Gregory Foley

INVESTIGATIVE INTERVIEW

Interview with Officer F. Wagner
OPD, 3855 Mission Ave Oceanside CA

On 9/2/13 at 0149 hours I interviewed OPD Officer F. Wagner in the Investigation Division of the Oceanside Police Department. The interview was audio recorded and the recording was later downloaded and placed in OPD evidence.

Officer Wagner is currently assigned to the Patrol Division. He has been a Police Officer since 7/26/2004.

As I began my interview I asked Officer Wagner if he had any prior knowledge or had been to the Foley residence before. Officer Wagner indicated that he had been there a handful of times. Typically the mother [REDACTED] will call the Police because her son (Gregory) is drunk and causing problems. On many occasions OPD would respond to the residence but there would be no evidence of a crime. They had advised the mother on prior occasions to obtain an eviction notice or restraining order against their son so they could remove him from the premises. At 1710 hours Officer Wheeler and Officer Wagner had received a radio call of a disturbance at the Foley residence located at [REDACTED]. Officer Wagner said it was the same circumstances with the son being drunk and aggressive towards his mother and father. Upon arrival, Officer Wheeler spoke with the mother who told him it was the same issues. There was no evidence of a crime and Officer Wheeler and Wagner again advised the mother of her options. She was advised to call the police if he (Gregory) becomes violent.

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OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Gregory Foley

At 1810 hours, Officer Wagner received another radio call of a disturbance at the Foley residence. While responding to the second radio call at [REDACTED] OPD dispatch advised that they could hear a subject over the phone say, "You are dead." Officer Wagner responded to the scene based on the fact that a knife was potentially involved and that someone was heard by dispatch in the background referencing killing someone. Officer Wagner indicated that he was right down the street. Upon his arrival, he observed Lt Cosby #542 standing with [REDACTED] who was covered in blood. Wagner contacted Lt Cosby, who told him to get his gear and link up with Officer Wheeler who was by the front door. As soon as Wagner contacted Wheeler he told him (Wagner) to take a containment position on the "3 side" or in the back yard of the residence. As soon as Wagner made it to the back yard, he had noticed a large pool of blood on the ground just outside of the rear sliding door. Officer Wagner was responsible to put a crisis response team together, since he (Wagner) was familiar with the layout of the residence. Once assembled, Officer Wagner had Officer Trabelsi and his K-9, Officers Hay, Weber, Kaldenbach and Sgt Hardy all responded to the back yard. The slider was open and they could see inside the kitchen and living room area.

While waiting in the back yard, OPD dispatch was trying to call the residence. Officer Wagner could clearly see inside the kitchen and see that the phone was off the hook. Officer Wagner could also hear PA announcements being made from a marked Police vehicle that was positioned just outside the front door. At some point a decision was made to enter the house based on the father being somewhere in the house and the threat of harm to the father by the suspect (Gregory). As they entered the residence, they immediately cleared the kitchen which is

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OCEANSIDE POLICE DEPARTMENT**FOLLOW-UP INVESTIGATION REPORT****13011784****Case Number****Offense: PC 664/187 Attempt Murder****Date of Offense: 9/1/13****Victim:** [REDACTED]**Suspect: Gregory Foley**

1 to their right. Sgt Hardy had placed the phone back on the phone cradle. Sgt Hardy and Officer
2 Hay cleared the living room which is off to the left as you enter from the back yard slider. As
3 they cleared the downstairs of the residence, Officer Hay observed the suspect up on the second
4 floor and began to give the suspect (Gregory) commands to show his hands, but had yelled
5 something (Unknown what he said) at Officer Hay. Officer Wagner looked up and could see the
6 suspect (Gregory) was holding a knife in his right hand. Officer Wagner gave the suspect several
7 commands to drop the knife. Officer Wagner told me at this point, he along with Officers Weber
8 and Kaldenbach are stacked up at the bottom of the stairs. Officer Weber was armed with a
9 40mm less lethal weapon, Kaldenbach was armed with his SWAT issued M-4 and he was armed
10 with his handgun. As the suspect backed up from the top of the stairs, Officer Wagner gave a
11 command to proceed up the stairs. Officer Wagner's biggest concern was the father's (Milford)
12 whereabouts and his safety, believing that the father was located in one of the rooms. Officer
13 Trabelsi entered the house with his K-9 "Maximus". Officer Wagner and the other officers were
14 now moving up the stairs. Officer Wagner said he was still giving commands to the suspect to
15 drop the knife. Officer Weber who is in the number one position yelled out "Less lethal, less
16 lethal" and fired one less lethal round. This was based on the immediate threat of the suspect
17 being at the top of the stairs armed with a knife in his right hand. Officer Wagner told me he
18 thought Officer Weber fired 2 or 3 less lethal rounds at the suspect. Officer Wagner also
19 indicated the less lethal rounds fired by Officer Weber had hit the suspect (Gregory) but without
20 any effect. Officer Weber, fired his less lethal weapon at about mid-way up the stairs, maybe the
21 3rd or 4th step. All three Officers were in a very small diamond type formation going up the stairs
22 which was very narrow. Officer Weber had fired all of his less lethal rounds and moved to the
23 back of the diamond formation. Officer Kaldenbach was now in the number #1 position, Officer

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Gregory Foley

1 Wagner was in the number #2 position and he thinks Officer Weber was in the number # 3
2 position.

3
4 Officer Wagner along with Officer Kaldenbach, proceeded up the stairs backwards
5 maintaining their visual observations on the suspect. Officer Wagner told Officer Kaldenbach to
6 not let the suspect out of his sight and not allow the suspect to enter the bedrooms. Officer
7 Wagner told me based on his prior knowledge and past incidents, he knew that a bathroom was
8 located on the right side as you get to the top of the stairs. Next to the bathroom was a bedroom
9 and to the left of the stairs were two additional bedrooms. (*Officer Wagner believed the suspect*
10 *(Gregory) was going to kill his dad*). As they proceeded up the stairs, the suspect abruptly turned
11 to his left and started towards a bedroom when Officer Kaldenbach fired one round at the
12 suspect. Officers's Wagner, Kaldenbach advance up to the top of the stairs and regroup. Officer
13 Wagner can't remember who else was with them.

14
15 At the top of the stairs they can see the suspect who was sitting on the bed and the knife
16 was on the floor next to the suspect. Officer Wagner gave several more commands to comply but
17 the suspect did not comply. Officer Wagner believed Officer Willms #1344 who had arrived at
18 the top of the stairs fired one or two less lethal rounds at the suspect who was sitting on the bed.
19 After firing the less lethal rounds at the suspect, Officer Wagner believed the suspect next
20 attempted to close the bedroom door. Officer Trabelsi and his Police K-9 "Maximus" had now
21 taken a position at the top of the stairs. Officer Trabelsi deployed his K-9 to prevent the suspect
22 from closing the door and arming himself. Several officers enter the room (Officer Wagner
23 could not recall who) and began fighting with the suspect who was still actively resisting and not

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FOLLOW-UP INVESTIGATION REPORT

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Case Number

Offense: PC 664/187 Attempt Murder

Date of Offense: 9/1/13

Victim: [REDACTED]

Suspect: Gregory Foley

1 complying with the officer's commands. Officer Wagner stayed outside the bedroom along with
2 Officer Wheeler. They both decided to try and locate the father. All the doors upstairs were
3 closed. To the right of the bedroom was a bathroom. Officer Wheeler and Wagner kicked in the
4 locked bathroom door and located the father [REDACTED] Sgt Hardy directed Officer Wagner to
5 force open the other doors and begin a safety sweep of the bedrooms off to the left. After
6 completing the room search Officer Wagner escorted Officer Kaldenbach outside and to stay
7 with him until relieved by other supervisors.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

INVESTIGATIVE INTERVIEW

Interview with Officer J. Willms

OPD, 3855 Mission Ave Oceanside, CA

On 09/02/13 at approximately 0240 hours I interviewed OPD Officer Justin Willms in the Investigations Division of the Oceanside Police Department. The interview was audio recorded and the recording later downloaded into the automated QueTel tracking system.

Officer Willms explained he has been a police officer with OPD for approximately six years. His current assignment is that of a patrol officer assigned to the patrol division. Officer Willms is currently assigned the Sunday-Wednesday patrol shift and he works from 1530-0200 hours. He has been assigned this shift since January 2013.

On Sunday 09/01/13 Officer Willms began his normal shift at 1530 hours. He was assigned responsibility for the geographical area known as the 4 beat and the call sign of 4 Boy. Officer Willms explained he is a SWAT team member and carries some of the special equipment assigned members of that team. This included the pepper ball gun, the 40MM sponge round weapon and special entry tools. He carried these tools in the event a situation arose in which a patrol supervisor might request the tactics or tools of a SWAT member. Officer Willms heard a radio call of a Disturbance/Fight as he purchased a drink from a local convenience store. He heard one party was armed with a knife and decided to drive to the location in the event one of his less lethal weapons was needed. He drove from Mission Ave. and Mesa Drive. While en route he heard Officer Wheeler and Lt. Cosby arrive on scene at the disturbance. He heard Officer Wheeler ask OPD dispatch to provide him with emergency traffic (only radio traffic pertaining to the incident would be allowed on the primary radio channel.) Lt. Cosby requested two additional patrol units be en route to the location Code 3. Officer Willms activated his overhead lights and siren and arrived at the location as the third unit on scene (after Lt. Cosby and Officer Wheeler.) He took his 40 MM less lethal weapon and a gear bag/satchel containing extra 40 MM ammunition out of the trunk of his car. Willms ran to the front of the home and took a position at the 1-2 corner of the home (the front left side corner of the home as one looks at the front) where Officer Wheeler and Lt. Cosby were also maintaining a position. Willms explained the doors, windows and garage door of the home were all closed and the window blinds/drapes drawn. The garage door began to open and Willms could see a mini van parked inside the garage. The rear hatch of the minivan was open and an elderly woman was seated in the rear cargo/bumper area of the minivan. She was bleeding profusely from her head. Lt.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

Cosby asked Willms to get some gloves. Willms ran back to his patrol car and retrieved a box of latex gloves which he returned to Lt. Cosby. Lt. Cosby took the elderly woman and guided her to a safer position near the intersection of the two streets. Officers Willms and Wheeler maintained observation of the exterior of the home as they awaited the arrival of additional officers. Willms relayed over the radio the most expeditious way for arriving officers to access the home and where to set up perimeter positions.

Officer Willms explained his initial planning included placing arriving officers in perimeter positions and the formation and deployment of a crisis entry team. I asked him to explain his rationale for the crisis entry team. Willms told me based on the preliminary information he'd learned from dispatch and Officer Wheeler he knew: An 80 year old man (father) was somewhere inside the home, numerous radio calls had been generated from the residence in the recent past and the arguments were notably between the father and the adult son, the suspect was armed with a knife and was refusing to come out of the home and the current deplorable condition of the elderly woman indicated exigency and that a hostage rescue posture was necessary.

Officer Willms explained the whole planning process happened rapidly however; they had to await the arrival of additional officers as they didn't have enough to execute the entry. Officers Weber, Nevares, Wagner and Kaldenbach arrived on scene. Wagner went to the rear of the home to maintain a containment position. Once there he advised the rear patio slider was open. Officer Willms recalled Officer Weber was armed with an MP5 rifle and Officer Kaldenbach with a 400 MM less lethal weapon. After discovery of the open rear door, entry focus moved to the rear of the home and Weber "downed" his MP5 and armed himself with the 40MM weapon. Kaldenbach armed himself with his "long gun." Willms didn't know the specific reason why the officers had the weapon change.

Officers Hay and Trabelsi arrived on scene. Both had K9 partners however; Hay left his partner in the car while Trabelsi brought Max to the rear of the residence. Hay, Weber, Trabelsi, Kaldenbach and Wagner were now all in the rear of the residence formulating their entry plan. Willms stayed in the front where he maintained radio contact with dispatch and asked that they make a phone call into the residence. Dispatch responded that the phone line was 10-6 or busy. Nevares was also in the front of the residence near his patrol car. He is a CNT (Crisis Negotiator) and was attempting telephone calls and PA announcements into the residence without success.

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

The entry team made the decision to make entry into the home and broadcast their entry over the radio. Willms (still in the front of the home) saw some movement (officers) through the window into the living room and knew the entry had been successful. Willms heard the sound of a 40 MM being fired and after approximately 10 seconds the sound of a second 40 MM round fired. Willms could hear what he believed were the officers yelling verbal commands however; he could not hear what was being said. Officer Hay came outside via the home's front door and told Willms to come inside with his 40MM. Willms assumed Weber had either run out of ammunition or his 40 MM was not working. Willms entered the residence and was directed by Hay to the stairs. Willms turned left and entered the stairwell; he saw uniformed bodies lined up ascending the stairs. Willms took up the 2nd or 3rd man position on the stack but couldn't determine who was in what position around him. He believed Kaldenbach was to his immediate right.

Officer Willms looked to his left and could see through a broken bannister rail the suspect on the second floor. He realized the broken bannister provided good access for his weapon and fired a 40MM round at the suspect. He aimed at his lower abdomen area and believed the round struck the suspect. Willms was reloading his weapon when he heard a 40 MM fired from behind him. He assumed Weber fired another round. Willms stated officers were yelling verbal commands and he heard a single rifle shot from an M4 rifle. He knew the gun was right next to his head as the sound of the shot was deafening.

Officer Willms saw the suspect run towards a back left area; he (Willms) deployed another 40MM at the suspect. The officers were moving up the stairs and onto the second floor landing. Willms remembered a small table to his right as he reloaded his weapon. He saw the suspect moving into a back bedroom. Weber had told him he was out of ammunition and Willms gave him a round as he reloaded. Willms fired his 40 MM at the suspect's buttocks and almost immediately Weber fired a second 40MM round. Willms explained he was concerned about the location of the father, the suspect was still armed with a knife and he (suspect) appeared oblivious to the painful less lethal rounds he'd been hit with.

The suspect was inside a back room and turned around when Officer Trabelsi deployed his dog. The dog hit (bit) the suspect in his right hip area. The officers were stacked (lined up) in the hall area and someone was still yelling commands at the suspect. Either Weber or Willms (Willms couldn't recall) fired another 40MM round. The suspect had gone back on the bed and

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OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

was seated upright on the edge of the bed. Willms believed the dog was on the suspect's arm and he thought he saw the knife near the suspects left foot area. The officers began moving into the room to grab hold of the suspect. The suspect was still struggling and not complying with verbal commands. Willms had his hands full with the now empty 40MM weapon and used the round end of the barrel to push/strike the suspect in the chest. Willms explained he struck the suspect approximately 2-3 times in his chest trying to push him back and off balance. The other officers were attempting to grab the suspect but, he was struggling, kicking and uncooperative and they were finding it difficult to control him. Willms explained the behavior exhibited by the suspect was not what he expected. The suspect had been hit with numerous 40MM rounds and after being bitten by a dog was still not complying. Willms didn't see the gunshot wound until after the suspect was handcuffed and rolled onto his stomach. Upon seeing the wound on the suspect's left rear shoulder, Willms initially believed it was an exit wound. He never saw the shot impact the victim and didn't know where an entrance wound would be. When the suspect was rolled over Willms didn't recall seeing any entry wounds on the suspect's chest.

Officer Willms went into the hallway to assist Officer Wheeler with the elderly father. Willms knew the father had been located in a back room however didn't know which one. The father was very agitated and panicked. Willms observed the father "wasn't taking care of himself." He (father) wanted to go into his bedroom and didn't want to go downstairs with the officers. Willms finally left the father with Officer Wheeler so he could put his equipment back into his car. Once outside he was directed to meet the Life Flight helicopter and accompany the suspect to Scripps Hospital La Jolla. Officer Willms rode inside the helicopter with the suspect to the hospital. Once there he overheard the medical staff talking of the wound to the suspect's shoulder which appeared to be the only entrance wound.

I asked Officer Willms some questions to clarify his statement. He explained when he first entered the home (upon request from Officer Hay) he saw the officers lined up ascending the staircase. He stated the "point" man or the first officer in the stack was about halfway up the staircase.

I asked Willms what the suspect was doing when he (Willms) first saw him through the broken bannister on the stairway. Willms explained the suspect was standing approximately six feet from the officers with the knife in his hand. Willms felt the suspect could easily have come over the bannister and attacked the officers as they (officers) were "in a tight spot." Willms explained the knife was raised and the suspect looked "ready to go." Willms immediately

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Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

obtained a sight picture on the suspect and fired the 40MM at him. Willms stated the suspect maintained the blank stare and never seemed to respond to the impact of the 40MM rounds.

I asked Willms how he felt about the suspect's lack of response to the impact of the 40MM rounds. He explained he felt they were "running out of options." He also explained that Officer Kaldenbach's role in the team was that of lethal cover. He (Willms) felt comfortable with Kaldenbach's use of lethal force when it was deployed. He didn't understand why the suspect didn't respond when Kaldenbach shot the rifle. He felt they were too close for Kaldenbach to have missed the suspect. Willms recalled thinking, "Shit...we have to re-engage." Willms thought this as all the other force options they had already used were clearly not working to subdue the suspect.

I asked Willms why he thought the suspect was acting the way he was. Willms explained he had zero history with the suspect and he thought he was "high, drunk or something." Willms stated once at the hospital, as he stood near the suspect's bed, he could smell the faint odor of an alcoholic beverage emanating from his person. The suspect never made any statements to him and complained of pain incessantly. He recalled the hospital staffs' amazement at the level of pain medication they had to administer to diminish the suspect's pain.

My interview with Officer Willms concluded at approximately 0310 hours.

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13011784

Case Number

Offense: PC 664/187 Attempt Murder

Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

INVESTIGATIVE ACTION:

On September 01, 2013 at approximately 1930 hours, I was called in by Sgt. Cole to assist Detective LaVake in investigating an Officer involved shooting at [REDACTED] in the City of Oceanside.

I arrived on scene at approximately 2025 hours and was briefed on the incident at 2030 hours.

Following a walkthrough of the scene, it was decided by Sgt. Christensen that a search warrant would be needed to collect any evidence from the house, as all residents to the house were taken to area hospitals. Sgt. Christensen tasked me with writing the Telephonic Search Warrant and I did.

The warrant was called in and Judge Lasater advised me to sign her name and issued the warrant at 2330 hours.

Following the execution of the warrant, I was then directed by Sgt. Christensen to interview Officer Samuel Hay #1209 reference his part in the incident that occurred.

The following interview was recorded September 2, 2013 at 0147 hours on my digital recorder and later uploaded into OIM Digital Evidence.

INTERVIEW OF SAM HAY #1209

Officer Hay stated that prior to this incident he was on a pedestrian stop downtown when he heard radio traffic of a female that was attacked with a knife and the suspect was her son. An unknown officer arrived on scene and asked for code 3 cover so he finished his stop and started towards the residence at [REDACTED]. As he was on his way, he could hear that there was emergency traffic on the radio and officers were setting up a crisis entry team. He knew from his SWAT experience that if a crisis entry team was being set up then it was possible that a contingency plan was being devised in case entry was needed into the residence for an exigent circumstance.

He arrived approximately 5-6 minutes after leaving downtown. Having the K-9, he wanted to have that resource available if needed. Officer Trabelsi was also on scene with his K-9. Upon his arrival he observed an elderly female standing outside the residence at the corner standing

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Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

with Lt. Cosby. She was bleeding quite a bit from her head and her arms; it appeared that she had serious injuries to her head. He also heard the weapon used was a knife and he believed that the suspect was still armed and inside the residence. He then heard radio traffic that the suspects' elderly father was still in the house, and knowing that the suspect just caused all of the injuries to his mother, Hay believed that the suspect would do the same to his father.

He heard that a phone call was attempted to the residence but a busy signal was received. Officer Trabelsi asked dispatch to do an emergency interrupt but it was unsuccessful. Hay asked Officer Weber what they needed from him, Officer's Weber and Willms were setting up the tactical plan on the radio. Officer Weber asked Hay to grab his dog and assist on containment on the front of the house and he did so. Officer Wheeler told Hay that the suspect presented himself earlier to the Officer's on scene and told them to come in and get him.

Hay asked Weber to bring a patrol car to the front of the residence so they can use the P.A. to talk to the suspect inside the house and use the car for cover. He also saw Officer Nevares on scene and knew that he was a Crisis Negotiator. Hay asked Officer Nevares to make announcements over the P.A. for the elderly father to come out of the house and/or the suspect to surrender. Hay said that there were 4 or 5 officers in the front of the residence for an arrest team, and there was also a crisis entry team in the rear of 3 or 4 Officer's.

Sgt. Hardy arrived on scene and asked Hay for tactical advice. Hardy asked him if it would be a good idea to take a dog into the house because of the elderly male inside. He told him that the dog would be a good deterrent and a good resource. Hay also recommended to Sgt. Hardy and Lt. Cosby that in his mind this was more of a hostage rescue because the elderly male was inside with the suspect who did injure his mother. He believed that they needed to go inside using tactics they had been trained with to rescue the father because they could not establish communications with him. They also learned that the father was possibly deaf or hearing impaired, and may not hear the PA announcement or he was possibly not responding because he was a victim.

Sgt. Hardy asked Hay who he felt they should take inside to rescue the father. Hay suggested the SWAT officers on scene; Officer's Weber, Willms, Kaldenbach and himself. He also suggested that Officer Trabelsi could follow with his K-9 partner. Officer Wagner was also on scene with SWAT experience. All 6 of them set up as the crisis entry team and went to the backyard for entry along with Sgt. Hardy.

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Victim: [REDACTED]

Suspect: Foley, Gregory

On his way to the backyard, he saw a table on the back patio and moved a table to give them more room to line-up on the rear sliding door which was open. He also observed a pool of blood on the patio. The team quickly briefed him on what they saw in the downstairs of the house. From what they could see from outside, the downstairs area of the house was clear of the suspect and father. They could see the phone in the kitchen was off the hook. They developed a plan to enter and they did. They still believed the suspect to be in the residence armed with a knife who just inflicted serious injury on his mother and they believed that the suspect may also inflict injury on his father as well.

Prior to entry they assigned roles to each other. Officer's Wagner and Kaldenbach were lethal cover, Officer Weber was less lethal with a 40MM launcher with sponge rounds, Officer Hay was also lethal but had a Taser as well, and Officer Trabelsi had his K-9 Partner.

As the entry team entered the residence, they used stealth to contact movement, which is a slow controlled entry, so they could get inside the house and gain more information. They did not make any verbal announcements; they wanted to go in quietly. Officer's Kaldenbach and Wagner entered the house first. Officer Wagner went towards the kitchen and garage door, Officer Kaldenbach went towards the bottom of the stairs, and Officer Hay followed to the left towards the living room. While clearing the living room, Officer Hay observed an exposed balcony upstairs.

Once the kitchen and garage were clear, Officer Hay asked Sgt. Hardy to take his spot so he could move into the front entry area to get a better angle on the stairs. Officer's Kaldenbach and Wagner held at the bottom of the stairs. Once he cleared the entry room area, he was able to get a better view of the upstairs loft area between the bedrooms. He saw a subject who he believed to be the suspect. He was a white male in his late 40's early 50's. Hay could only see the subject from the top of his left shoulder to his head and he was walking from one of the bedrooms, area of the back right bedroom, and it appeared that he had blood on his neck or ear. He basically just saw a bloody head walk to the area at the top of the stairs. Hay tried to give him commands by stating, "Suspect show me your hands." He got no response from the suspect.

Officer Hay's commands to the suspect cued in the Officer's on the stairs the suspect was above them. Officer Hay then heard Officer's Kaldenbach and Weber give the suspect commands to drop the knife multiple times. Officer Hay heard at least one 40MM deployment after the commands to drop the knife were given. At this time, Officer's Kaldenbach, Weber, and Wagner then were about 1/3 of the way up the stairs. As the Officers ascended the stairs, they

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Victim: [REDACTED]

Suspect: Foley, Gregory

encountered a wooden spindle bannister between them and the suspect. Officer Hay stated, in order for Officer Weber to have a successful deployment with the 40MM he had to shoot in between the banister openings.

Officer Weber had trouble reloading the 40MM either after the first or second round. Hay had asked Weber prior to entering the house how many rounds he had and Weber told him three. Hay knew the Officer Willms, who is also on the SWAT team, had a 40 MM launcher in his car and he went to the front door and called in Officer Willms with the 40MM launcher. He directed Officer Willms to the stairs and advised him to put 40MM rounds on the suspect if he was still armed with the knife.

At this time, he could clearly heard Officer Kaldenbach giving orders to the suspect to drop the knife. Officer Weber then broke one of the railings to the banister either with the muzzle of the 40MM or his hand. He believed that he was trying to get it out of the way to get a better line of sight, line of target on the suspect. The suspect started walking back towards the back of the house out of view.

Hay stated that his mind set at this point was that the suspect disobeyed numerous commands to drop the knife, numerous commands to come out of the house earlier on the P.A., he seriously injured his mother, the elderly male is still on scene somewhere upstairs in the house, the suspect presented himself holding a knife to Officer's, less lethal munitions to gain compliance were used with no effect on the suspect, and now he was walking back towards a bedroom out of sight not knowing if his father was in there and the fear that the suspect would now if haven't already harm his father.

At this time the group on the stairs was approximately a third or half way up the stairs. Hay told the Officer's that they needed to go move up the stairs. He then heard the distinct sound of an M4 being fired by Officer Kaldenbach in the direction of the suspect. After the shot was fired, the suspect continued walking away towards the back bedroom and the Officer's continued up the stairs to the hallway. Once Officers were in the hallway, they saw the suspect sitting on a twin bed in the back right bedroom still holding the knife. Hay described the knife with an approximate 10 inch blade with a black plastic handle, steak or kitchen knife. The suspect was bloody, and Officer Hay wasn't sure whose blood it was.

The suspect then stood up, dropped the knife, and sat down on the bed. They had a clear view of the bedroom and they knew the father was not in the bedroom. They called up Officer Trabelsi

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Case Number

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Date of offense: 09/01/13

Victim: [REDACTED]

Suspect: Foley, Gregory

with his dog and they started verbal commands to the suspect. Hay told him to put his hands up and get on his knees. The suspect stood up, and grabbed the bedroom door to close it and Hay called for the dog. The dog engaged the suspect and the Officer's also approached the suspect. While they did that, Hay quickly checked the master bedroom to the left for the victim and did not see the father.

He re-entered the smaller bedroom and saw the dog attached to what he believed was the suspects' right arm and other Officers were on his left arm. They were able to handcuff the suspect and Hay noticed that the suspect had a gunshot wound to his left shoulder. Hay retrieved a first aid kit that was staged downstairs and he applied a trauma pad to his wound.

The suspect asked Hay what he was doing and Hay explained that he was wounded and he was helping him. The suspect told Hay to let him die. Medics arrived and they put the suspect on a backboard and walked him downstairs.

They found the father in one of the front upstairs bedrooms.

Hay continued to assist medics with the suspect until they got the suspect into the ambulance.

Hay was then told by Lt. Cosby to stand off to the side with the other Officer's until given other orders.

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13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Gregory Foley

Investigative Interview

On 09/02/13 at about 1550 hours, Det. LaVake and I interviewed Officer Samoa about his duties and responsibilities during the officer involved shooting at [REDACTED]. The interview was conducted in interview room #1. The interview was digitally recorded and a copy of the interview was uploaded into the Oceanside Police evidence "Traq" system. During the interview Officer Samoa told us essentially the following:

Statement of Officer Samoa:

Officer Samoa was working as a uniform patrol Officer for the Oceanside Police night watch shift. Officer Samoa responded to two calls prior to the incident on Milano Way. Officer Samoa just cleared a radio call when he heard 6B request code 3 cover (lights and sirens). Officer Samoa arrived on Milano Way and observed Lt. Cosby and Officer Wheeler standing with an elderly female whom had blood all over her person. Officer Samoa was directed to cover the 3/4 corner of the residence. Officer Nevares arrived on the scene and was tasked with using his cars PA system to make announcements telling the occupants of [REDACTED] to exit the residence. Officer Samoa provided security for Officer Nevares while he made the PA announcements. Officer Samoa observed shadows moving inside [REDACTED] and then the front door to the residence opened. Officer Samoa could hear a commotion occurring inside the house and moved to the front door of the residence. Officer Samoa could hear people yelling, "Put the knife down....Put the knife down." Officer Samoa heard three to four, 40mm, Arwin rounds being fired inside the house. Officer Samoa heard one distinct bang that he described as a shot being fired. Officer Samoa overheard Officer Trabelsi deploy his K-9. The officers upstairs then went Code-4.

Officer Samoa went upstairs and saw Officers Wagner and Wheeler trying to get some of the closed doors open. He heard a male voice yelling, "I'm in here." The elderly male [REDACTED] came out of the upstairs bathroom and contacted Officers. Officer Samoa was told to go back downstairs and place crime scene tape around the scene and start a crime scene log. Officer Samoa maintained the crime scene log until relieved.

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect: Gregory Foley

Investigative Interview

On 09/02/13 at about 1310 hours, Sgt. Ortega and I contacted [REDACTED] at [REDACTED]. During the interview I could smell the strong odor of alcohol coming from [REDACTED] breath and body. The interview was digitally recorded and a copy was uploaded to Oceanside Police evidence "TraQ" system. During the interview [REDACTED] told me essentially the following:

Statement of [REDACTED]

[REDACTED] told me he and his family started moving back into the residence [REDACTED] the day of the incident. [REDACTED] went out drinking with his mother and her husband and wasn't home when the incident occurred or when the police arrived. [REDACTED] arrived back at his house later in the evening and saw that the police had the roads blocked off. The police did not allow [REDACTED] past the barricade to get to his house. [REDACTED] was standing on the corner of Milano Way when he heard a noise he described as two shots. He said, it sounded like "bang...bang." [REDACTED] had nothing else to add about the night of the incident.

[REDACTED] added that on 09/02/13 he helped the owner of [REDACTED] and his son [REDACTED] get into the house. While inside the house he saw blood in the kitchen.

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect Gregory Foley

Investigative Interview

On 09/02/13 at about 1230 hours, Sgt. Ortega and I contacted [REDACTED] at [REDACTED]. The interview was digitally recorded and a copy was uploaded to the Oceanside Police evidence "TraQ" system. During the interview [REDACTED] told me essentially the following:

Statement of [REDACTED]

On the day of the incident [REDACTED] said she left her house at around 1610 hours and was not home when the incident occurred.

I asked [REDACTED] if she could provide me with any background about the Foley family. [REDACTED] told me she has lived next to the Foley's for 12 years. Greg Foley (son) moved back into the house around March of 2013. The family has always argued and [REDACTED] is verbally abuse towards [REDACTED]. [REDACTED] has overheard [REDACTED] a wimp. One time [REDACTED] observed [REDACTED] hit [REDACTED] knocking his glasses off.

[REDACTED] told me Greg had lost his job and lost his marriage and that might have been what made him snap. A few months ago [REDACTED] called the police and Greg was taken away in the police car. She spoke to [REDACTED] about the incident a few months ago and [REDACTED] told her Greg had roughed them up a little bit.

About three weeks after Greg's arrest, she heard a lot of scuffling next door and she called the police. The police came to the Foley house. She overheard a police Officer telling [REDACTED] how to obtain a restraining order.

A few weeks after the above incident, [REDACTED] came to [REDACTED] house and asked her to call the police. [REDACTED] asked [REDACTED] what was going on and [REDACTED] told her that he (Greg) was roughing them up again. [REDACTED] called the police. [REDACTED] saw the police arrive and talk to [REDACTED]. [REDACTED] overheard [REDACTED] tell the police she didn't want anything done. [REDACTED] thought this put her in a bad spot because she was the person who called the police.

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC 664/187-Attempted Murder

Date of offense: 09/01/13

Location: [REDACTED]

Victim: [REDACTED]

Suspect Gregory Foley

[REDACTED] added, [REDACTED] fell down the stairs around three weeks ago and [REDACTED] believes Greg pushed [REDACTED] down the stairs but has no proof.

[REDACTED] is worried for [REDACTED]. [REDACTED] told [REDACTED] she couldn't keep letting Greg come back to the house. [REDACTED] responded, "She is a mother."

On one occasion she saw Greg come to the house after he was arrested. [REDACTED] told Greg he could not come into the house. Greg pushed his way into the house. [REDACTED] did not call the police.

On 09/03/13 at about 0700 hours, [REDACTED] called me up and told me she remembered an incident that occurred about three weeks ago. [REDACTED] was in her bedroom when she overheard [REDACTED] and Greg talking on the rear patio of their house. [REDACTED] overheard [REDACTED] tell Greg, "I hope you're proud of yourself, beating up an 86 year old man."

OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, OIS

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

INVESTIGATION:

On 09-01-13 at 1912 hours, I received a text message from Sgt. Christensen informing me that there had been an Officer Involved Shooting (OIS). I responded to [REDACTED] in Oceanside and arrived at 2004 hours. We were briefed at the scene by Officer Wheeler and Sgt. Hardy. The victim, [REDACTED] and the suspect, Gregory Foley were both transported to Scripps Memorial Hospital – La Jolla. The OPD Officers involved in the case were all taken to OPD Headquarters to be interviewed.

Sgt. Christensen assigned me to be the Primary Detective on the case. Detective Wallace was assigned to be my second, Detective Stracke the Crime Scene Manager and FET Luecht to collect evidence and process the scene. Detectives Johnson, Dunn and Davis also responded and assisted with the investigation.

Sgt. Hardy and Officer Wheeler briefed us on the facts of the case. We were informed that Officer Wheeler and Lt. Cosby were the first on scene and stayed to the front of the residence. Officers Samoa and Nevares also responded and assisted with PA announcements and with securing the front of the residence. Officers Kaldenbach, Weber, Willms, Wagner, Hay and Trabelsi with his K-9 partner, Maximus and Sgt. Hardy comprised the entry team. Officer Kaldenbach fired one .223 round striking the suspect in the back left shoulder. We then walked through the residence.

Detective Davis wrote a telephonic Search Warrant for the Foley residence at [REDACTED]. The Honorable Judge Lasater signed Search Warrant #45345. The Search Warrant was executed at about 0045 hours. See Detective Stracke's and FET Luecht's reports for details. During the execution of the search warrant, all of the Officers involved in the incident returned to the scene and individually conducted a walk through with their Attorney Charles Walker and an OPOA Representative (Sgt. Sullivan and/or Sgt. Alvis). Detective Wallace and I escorted the Officers through the scene. The Officers were then transported back to OPD Headquarters where they were interviewed.

Detective Wallace and I interviewed Officer Corey Kaldenbach, Sgt. Ron Hardy, Lt. Cosby, Officers Sam Samoa and Mark Wheeler. Detective Johnson interviewed Officers Anis Trabelsi and Justin Willms. Detective Dunn interviewed Officers Frank Wagner and Larry Weber.

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FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, OIS

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 Detective R. Davis interviewed Officer Sam Hay. Detective Baxter interviewed [REDACTED]
2 and Detective Wallace interviewed [REDACTED] See each of their reports for details.

3
4 On 09-02-13 and again on 09-03-13, Detective Baxter contacted Gregory Foley at Scripps
5 Memorial Hospital – La Jolla and attempted to get a statement. Gregory refused to provide one.
6 See Detective Baxter's report for details.

7
8 On 09-02-13 Sgt. Ortega canvassed the cul-de-sac (Milano Way) for witnesses with Detective
9 Wallace and then again with Detective Baxter. (See their reports for details).

10
11 Detective Wallace interviewed [REDACTED]

12 Detective Wallace interviewed [REDACTED]

13 Detective Baxter interviewed [REDACTED]
14
15

16 On 09-10-13, I faxed a medical records release form signed by [REDACTED] (has Power of
17 Attorney for parents) for [REDACTED] medical treatment records to Scripps Memorial
18 Hospital - La Jolla Records Dept.

19
20 On 09-12-13 at about 1000 hours, Detective Wallace and I along with Sgt. Christensen and FET
21 Luecht went back to [REDACTED] with a mechanical lift to try and extract the round fired
22 by Officer Kaldenbach out of the ceiling in the living room. The ceiling is at least 20 feet high.
23 FET Luecht was unable to locate the round. While we were at the residence Detective Wallace
24 and I spoke with [REDACTED] daughter. [REDACTED] told us [REDACTED] had been placed
25 into [REDACTED]. [REDACTED] said, on 09-09-13 she and [REDACTED] took her
26 mother to the Emergency Room at Tri-City Medical Center. [REDACTED] told us, her mother,
27 was given a [REDACTED] and an unnamed Doctor said she [REDACTED] had [REDACTED]
28 [REDACTED]

29 [REDACTED] also found her mother's diary and gave it to me. It was later booked into the OPD
30 evidence facility by FET Luecht.

31
32 On 09-16-13 I faxed a medical records release form signed by [REDACTED] (has Power of
33 Attorney for parents) to Tri-City Medical Center's Records Department for [REDACTED] treatment
34 records from 09-09-13.

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FOLLOW-UP INVESTIGATION REPORT

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Case Number

Offense: PC664/187 Attempted Murder, OIS

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

On 09-17-13, Officer Moulder, the Oceanside Police Department Range Coordinator, conducted a live fire function test on the weapon Officer Kaldenbach used in the OIS. Officer Moulder released the weapon back the OPD SWAT Team at the conclusion of his test. See Officer Moulder's report for details.

On 09-23-13 I received [REDACTED] medical records by mail from her treatment at Tri-City Medical Center on 09-09-13. See the attached report for details.

On 09-23-13, I called Scripps Memorial Hospital - La Jolla Records Department and they could not find the medical records request I had faxed down. I faxed another request, this time attention, Shannon.

On 10-01-13, I called Scripps Memorial Hospital - La Jolla Records Department and they could not find the medical records request I had faxed to them. I faxed another request, this time attention, [REDACTED]. On 10-02-13, Scripps Records faxed me a copy of [REDACTED] medical treatment records while she was a patient at Scripps Memorial Hospital - La Jolla. The treatment records are from 09-01-13 until 09-05-13. See the attached report for details.

SUMMARY:

On 09-01-13 at about 1810 hours, fearing that the 911 caller, later identified as [REDACTED] was about to be murdered, OPD Officers responded code 3 (lights and sirens) to [REDACTED] Way. This was the second call to the residence in the last hour. Officers arrived and found a badly beaten and stabbed/cut 81 year old female [REDACTED] covered in blood in front of her residence (PC664/187 Attempted Murder, PC368(b)(1) Elder Abuse). The suspect was her son, Gregory Foley. [REDACTED] also told Officers her 86 year old husband, [REDACTED] was still somewhere inside the residence. The suspect came out of the house and told the Officers, "Fuck you; you're going to have to come in and get me." Fearing for [REDACTED] life, an entry team was put together and entered through an open sliding glass door on the rear of the house. Gregory Foley was spotted on the second floor of the residence armed with a knife. Officers engaged Gregory initially with verbal commands, which were ignored. Gregory was then engaged with multiple less lethal 40mm sponge rounds. They appeared to have no effect on him. Gregory advanced towards the Officers several times and raised the knife in a threatening manner as they

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
LaVake, Mark	1210	09-02-13				Page 3 of 4

OCEANSIDE POLICE DEPARTMENT

FOLLOW-UP INVESTIGATION REPORT

13011784

Case Number

Offense: PC664/187 Attempted Murder, OIS

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

1 climbed the tight stairwell leading to the second floor. Fearing he may assault the Officers with
2 the knife Officer Kaldenbach assumed the point position as they climbed the stairs after seeing
3 that less lethal options had no effect on the suspect. The suspect then turned with the knife in his
4 hand and started walking towards a bedroom that Officer Kaldenbach believed was the last
5 known location of his father, [REDACTED] Officer Kaldenbach believed Gregory was enroute to stab
6 or murder his father and fired one round from his assault rifle striking him (Gregory) in the back
7 upper left shoulder area. Gregory entered a bedroom where he continued to be noncompliant to
8 the Officers commands. Gregory was again engaged by less lethal 40mm rounds and then twice
9 by a K-9 as he fought Officers attempting to handcuff him (**PC69 Resisting/Obstructing a**
10 **Police Officer**). Gregory was finally taken into custody and treated for his injuries. [REDACTED] was
11 found alive, locked in an upstairs bathroom. He too had been assaulted by Gregory
12 (**PC368(b)(1) Elder Abuse**).

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
LaVake, Mark	1210	09-02-13				Page 4 of 4

OCEANSIDE POLICE DEPARTMENT

13011784

FOLLOW-UP INVESTIGATION REPORT

Case Number

Offense: PC 664/187-Attempt Murder

Date of Offence: 09/01/13

Victim:

Suspect: Foley, Gregory

INVESTIGATIVE ACTION:

On September 01, 2013, at approximately 3:00 PM, Sergeant Ortega asked me to accompany her to [REDACTED] to pick up a pair of bloody pants from [REDACTED] brother of suspect Gregory Foley. [REDACTED] told Sergeant Ortega that his father, [REDACTED] had been wearing the pants during the incident, and they had been covered with blood.

Upon arrival at the residence, we contacted [REDACTED] who was cleaning up the blood on the floors. [REDACTED] apologized to us, and said his father had put the pants in the washing machine against [REDACTED] orders. [REDACTED] gave us the pants, and the stains were still visible on them, even though they had been washed. [REDACTED] then gave us Gregory's wallet, which he had found inside the residence. While collecting these items, [REDACTED] stated he had a hammer in the kitchen, and asked if we wanted to take it with us. [REDACTED] pointed at a white plastic bag on the kitchen floor which had apparent blood smears on it. Inside the bag was a hammer. I collected each item, including the hammer, and placed each item into a separate paper bag. I then placed the items into evidence locker #1 in the investigations building. The key was given to Sergeant Ortega.



Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
BAXTER	0677	03/0/13		<i>me 704</i>		Page 1 of 1

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187 Attempted Murder

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

SYNOPSIS:

On 09-01-13 at about 1711 hours, Officers Wheeler and Wagner responded to a radio call of a disturbance at [REDACTED] in Oceanside. Officers contacted [REDACTED] and their son, Gregory Foley [REDACTED] at the residence. Officers Wheeler and Wagner spoke to the residents who weren't very cooperative and left after ensuring everyone was okay and no crime had been committed.

On 09-01-13 at about 1810 hours, OPD Dispatch received a 911 call from [REDACTED] stating that her son had attacked her with his fists and she was bleeding and needed help. While she was on the telephone with OPD Dispatch, a male voice is heard in the background saying, "What are you doing? That is followed by, "Your dead, you're fucking dead."

OPD Officers responded to the residence Code 3 (lights and siren) and arrived there at about 1815 hours. Officer Wheeler was the first OPD Officer to arrive on scene, with Lt. Cosby following him in. Officer Wheeler could see the reporting party (RP), [REDACTED] sitting on the back bumper of her van which is parked inside the open garage of the residence as he parks at the entrance to the cul-de-sac. Officer Wheeler immediately called for OFD and additional Officers to respond. [REDACTED] was covered in blood and told Officers her son attacked her and her husband was still inside the house. Lt. Cosby requested two additional units Code 3. OPD K-9 Officer Trabelsi with his partner Maximus and Officer Kaldenbach both responded to assist. Officer Wheeler saw the suspect, Gregory Foley come to the front door of the residence. Officer Wheeler had his taser out and gave him verbal commands to get on the ground, but the suspect refused to comply. Wheeler said Gregory told him, "Fuck you, you're going to have to come get me," and then went back in the residence. Officer Wheeler broadcast the update as Officers Wagner, Willms, Weber, Hay, Samoa and Sgt. Hardy also responded to the residence.

A perimeter was established and a crisis reaction team was put together with both lethal and less lethal force options. Officers discovered the rear sliding glass door was open and there was a large pool of blood on the back patio. When Officers looked through the back windows of the house, they saw blood on the floor and on the telephone in the kitchen. The suspect was not in plain view. The entry team consisting of Officers Kaldenbach, Weber, Hay, Wagner, Willms, Trabelsi and his K-9 partner Max, and Sgt. Hardy put together a plan. Based on the exigency of the father/husband still being inside the residence and not knowing if he was dead or alive, the

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
LaVake, Mark	1210	09-02-13		<i>me</i>	724	Page 1 of 2

OCEANSIDE POLICE DEPARTMENT
FOLLOW-UP INVESTIGATION REPORT

13011784
Case Number

Offense: PC 664/187 Attempted Murder

Date of Offense: 09-01-13

Victim: [REDACTED]

Suspect: Gregory Foley

entry team entered the house. The first floor of the residence was checked/cleared and the suspect wasn't located. Officer Hay had taken a position in the living room and could see up to the second floor of the residence. Officer Hay saw the suspect on the second floor and gave him verbal commands to see his hands. Gregory did not comply. The entry team stacked itself and they started up the stairs leading to the second floor. The entry team could see Gregory on the second floor with a knife in his right hand at the top of the stairs. They gave him verbal commands, but he did not comply. The entry team engaged Gregory three or four times with 40mm sponge rounds, that had no effect on him from the stairs. (One impact from a 40mm sponge round is usually all that is needed to subdue a grown man). Gregory was engaged again with the 40mm sponge rounds, still with no effect. Gregory was walking back and forth in front of the entry team along a railing on the second floor.

Officer Kaldenbach assumed the point/lead position on the stairwell. Officer Kaldenbach took this position because Officer Weber's less lethal weapon wasn't having any effect on him. Officer Kaldenbach feared that Gregory could lunge at Officer Weber with the knife. Gregory turned and started to walk towards a bedroom. Officer Kaldenbach believed the father may be in the bedroom and feared Gregory was going to hurt/kill him. Officer Kaldenbach armed with a long gun (M4), fired one round at Gregory. The round traveled through a short wall and then struck him in the back left shoulder area before lodging in the ceiling of the living room. Gregory only flinched at the impact. Gregory then walked into a bedroom (his) where he is again engaged with 40mm sponge rounds. Gregory initially held the knife to his throat and made a threat about cutting himself. Gregory then sat down on the bed where he is again hit with 40mm sponge round. At some point Gregory drops the knife and then attempts to close the bedroom door. K-9 Officer Trabelsi then deployed his partner Maximus who made contact on Gregory's right hip. Officer Trabelsi and the other Officers entered the bedroom to try and subdue Gregory. He continued to resist and was struck several times by the end on a 40mm weapon and closed fist. Gregory was finally handcuffed and treated for his injuries which required him to be transported to Scripps Memorial Hospital - La Jolla. [REDACTED] was also transported to Scripps Memorial Hospital - La Jolla. [REDACTED] was found locked in the upstairs bathroom. [REDACTED] is considered to be [REDACTED] [REDACTED] was taken to Tri-City Hospital until another family member could pick him up. (OPD Case#13011785).

Reporting employee	I.D. No.	Date	Disposition	Reviewed by	I.D. No.	Page No.
LaVake, Mark	1210	09-02-13				Page 2 of 2

Incident Detail Report

Incident Status Closed
Incident Number 1300094874
Incident Date 09/01/2013 17:10:05

Incident Information

Incident Type: 2 Unit Response
Priority: P3 Non-Violent/Misd JO
Determinant:
Base Response #:
Confirmation #: 090113-0093669
Taken By: Borjon, Charlotte A.
Response Area: RD 032-6
Disposition: Advised
Cancel Reason:
Incident Status: Closed
Certification:
Longitude: 117304052
MGRS: 11SM57167375994

Alarm Level:
Problem: 415F 415 Family
Agency: OCEANSIDE POLICE
Jurisdiction: City of Oceanside Police
Division: SECTOR 3
Battalion: 6
Response Plan: 2 Unit Response
Command Ch:
Primary TAC:
Alternate TAC:
Delay Reason:
Latitude: 33222547
UTM: 11S 471673 3675995

Incident Location

Location Name:

Address:

Apartment:

Building:

City, State, Zip:

ANI/ALI Address:

ANI/ALI City:

Call Receipt

Caller Name:


Method Received:



Caller Type:

Caller Address:

Caller City, State, Zip: ,

County: San Diego
Location Type:
Cross Street: VENETIA WY/No Cross Found
Tow Provider Area:
Map Reference: 1087/A4

ANI/ALI Phone: 
ANI/ALI Received: 9/1/13 5:08 PM

Call Back Phone: 
Caller Location: 
Caller Apt/Bldg: /
Caller County:

Time Stamps

Description	Date	Time	User
Phone Pickup	09/01/2013	17:08:02	
1st Key Stroke	09/01/2013	17:08:09	
In Pending Queue	09/01/2013	17:10:06	
Call Taking Complete	09/01/2013	17:10:44	Borjon, Charlotte A.
1st Unit Assigned	09/01/2013	17:11:03	
1st Unit Enroute	09/01/2013	17:15:11	
1st Unit Arrived	09/01/2013	17:17:42	
Incident Under Control			
Time Sent to Other CAD			
Incident Closed	09/01/2013	17:35:24	Scrivano, Heather M.

Elapsed Times

Description	Time
Received to In Queue	00:00:01
Call Taking	00:00:39
In Queue To 1st Assign	00:00:57
Call Received to 1st Assign	00:03:01
Assigned to 1st Enroute	00:04:08
Enroute to 1st Arrived	00:02:31
Incident Duration	00:27:22

Units Assigned

Unit	Assigned	Disposition	Enroute	Staged	Arrived	At Patient	Delay Avail	Complete	Enroute	Odm.	Odm.	Cancel Reason
6B	09/01/2013 17:11:03	Advised	09/01/2013 17:15:11		09/01/2013 17:17:44	09/01/2013 17:21:15		09/01/2013 17:35:24				
8B	09/01/2013 17:11:03	Advised	09/01/2013 17:15:14		09/01/2013 17:17:42	09/01/2013 17:21:15		09/01/2013 17:35:24	11.8	11.8		

Personnel Assigned

Unit	Name
8B	Wagner, Frank (1238) - Police Officer
6B	Wheeler, Mark (1303)

Pre-Scheduled Information

No Pre-Scheduled Information

Special Equipment

No Special Equipment

Transports

No Transports

Transport Legs

No Transport Legs

Comments

Date	Time	User	Type	Confidential	Comment
09/01/2013	17:10:03	CAB	Response		RP IS IN A 415 WITH HER SON, WFA, GREG FOLEY [REDACTED] NEG HBD/11550/NO WPNS.. NO ACCESS TO ANY VEHS. NO MEDICAL DIAGNOSES..

Address Changes

No Address Changes

Priority Changes

No Priority Changes

Transport Changes

No Transport Changes

Transport Priority Changes

No Transport Priority Changes

Alarm Level Changes

No Alarm Level Changes

Activity Log

Date	Time	Unit	Activity	Location	Log Entry	User
09/01/2013	17:10:06		ANI/ALI Statistics		INT Insert:Sep 01 2013 17:08:01 / INT SendNP:Sep 01 2013 17:08:01 / WS RecvNP:Sep 01 2013 17:08:02 / WS Process:Sep 01 2013 17:10:06	CAB
09/01/2013	17:10:06		Incident Priority Change		Incident priority changed from <none> to P3 Non-Violent/Misd JO	CAB
09/01/2013	17:10:15		Read Incident		Incident 595 was Marked as Read.	FSM
09/01/2013	17:10:15		Read Comment		Comment for Incident 595 was Marked as Read.	FSM
09/01/2013	17:10:44		UserAction		User clicked Exit/Save	CAB
09/01/2013	17:11:03	6B	01 - Dispatched			FSM
09/01/2013	17:11:03	8B	01 - Dispatched			FSM
09/01/2013	17:11:23		UserAction		User clicked Exit/Save	FSM
09/01/2013	17:11:37		UserAction		User clicked Exit/Save	FSM
09/01/2013	17:15:11	6B	02 - Responding		Responding From = MESA DR\RANCHO DEL ORO DR	FSM
09/01/2013	17:15:14	8B	02 - Responding		Responding From = COLLEGE BLVD\MESA DR	FSM
09/01/2013	17:17:42	8B	04 - On Scene			FSM
09/01/2013	17:17:44	6B	04 - On Scene			FSM
09/01/2013	17:21:15	8B	05 - Code 4			FSM
9/01/2013	17:21:15	6B	05 - Code 4			FSM
09/01/2013	17:35:24	6B	11 - AOR			HMS

09/01/2013	17:35:24	88	11 - AOR	[REDACTED]	HMS
09/01/2013	17:35:24		Response Closed	[REDACTED]	HMS
09/01/2013	18:12:54		UserAction	[REDACTED]	FSM
09/01/2013	18:26:40		UserAction	[REDACTED]	PCB
09/01/2013	18:28:22		UserAction	[REDACTED]	PCB
09/02/2013	04:31:01		UserAction	[REDACTED]	LLT
09/02/2013	05:05:05		UserAction	[REDACTED]	KMH
09/02/2013	05:43:14		UserAction	[REDACTED]	KSW
09/02/2013	11:25:46		UserAction	[REDACTED]	KMH

Edit Log

Date	Time	Field	Changed From	Changed To	Reason	Table	Workstation	User
09/01/2013	17:08:02	Address	(Blank)	[REDACTED]	New Entry	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Jurisdiction		City of Oceanside Police	(Response Viewer)	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Division		SECTOR 3	(Response Viewer)	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Battalion		6	(Response Viewer)	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Response_Area		RD 032-6	(Response Viewer)	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	ResponsePlanType	0	0	(Response Viewer)	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Address	[REDACTED]	[REDACTED]	Entry Verified	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Latitude	0	33222547	Entry Verified	Response_Master_Incident	PD09	CAB
09/01/2013	17:08:09	Longitude	0	117304052	Entry Verified	Response_Master_Incident	PD09	CAB
09/01/2013	17:10:06	Problem		415F 415 Family	(Response Viewer)	Response_Master_Incident	PD09	CAB
09/01/2013	17:10:06	Priority_Description		P3 Non-Violent/Misd JO		Response_Master_Incident	PD09	CAB
09/01/2013	17:10:06	Priority_Number	0	3		Response_Master_Incident	PD09	CAB
09/01/2013	17:10:06	Field_Description		[REDACTED]	(Response Viewer)	Response_User_Data_Fields	PD09	CAB
09/01/2013	17:10:15	Read Call	False	True	(Response Viewer)	Response_Master_Incident	PD04	FSM
09/01/2013	17:10:15	Read Comment	False	True	(Response Viewer)	Response_Master_Incident	PD04	FSM
09/01/2013	17:10:16	Caller_Name	[REDACTED]	[REDACTED]	(Response Viewer)	Response_Master_Incident	PD09	CAB

MOTHER

Custom Time Stamps

No Custom Time Stamps

Custom Data Fields

Description

RP Phone:

Data

User

Borjon, Charlotte
A.

Case Number

No Case Numbers

Attachments

No Attachments

Dispositions

Date	Time	Unit	Disposition	User
09/01/2013	17:35:24		Advised	Scrivano, Heather M.
09/01/2013	17:35:24		Advised	Scrivano, Heather M.

OCEANSIDE POLICE DEPARTMENT

Release for all medical information

This is a release for all *medical information* regarding [REDACTED]

DOB [REDACTED] from SCRIPPS MEMORIAL HOSPITAL LA JOLLA to be provided to the assigned Oceanside Police detective, or his/her designee, as part of the ongoing police investigation.

The release shall include, but will not be limited to, all conversations, discussions, opinions, and case consultations or similar, by any medical personnel with knowledge of this patient, the patient's condition and/or any other information that may be deemed relevant. This release further allows the detective, or his/her designee, to speak with and/or consult with all medical personnel, civilian or military, with or without prior knowledge of this case, in order to assist in the rendering of information, opinions/conclusions and ruling of identified medical conditions and/or injuries.

Medical records being sought should include symptomology, clinical findings, all reports, radiology reports, neurological reports, diagnosis, prognosis, paramedic's reports, daily nurses notes, notes/reports by social workers, social progress notes, psychologists/psychiatrists reports, physician's orders, lists of medications, admission and discharge summaries, terms of payment (if applicable) and all photographs taken of the patient, if applicable.

The patient or patient's personal representative has the right to revoke this authorization in writing. Unless otherwise revoked, this authorization is valid for one year.

By the patient or patient representative signing this release it gives authorization to the recipient(s) to redisclose the information contained within.

A fax or other copy of this signed document may be treated as an original.

Case # 13011784

Date of Treatment: 09/1-5/13

Patient Signature (if under 18, parent/guardian signature)

[REDACTED]

Foley

POWER OF ATTORNEY

Signature witnessed by:

Date: 09-02-13

DOUGLAS BAXTER

DOUGLAS BAXTER # 677

Print Name and Title/Position

Incident Report
2013-0011739 -000

Oceanside Fire Department

Basic

Alarm Date and Time	18:23:56	Sunday, September 1, 2013
Arrival Time	18:37:17	
Controlled Date and Time		
Last Unit Cleared Date and Time	20:08:22	Sunday, September 1, 2013
Response Time	0:13:21	
Priority Response	Yes	
Completed	Yes	
Fire Department Station	FS7	
Shift	C	
Incident Type	3211 - Medical Aid - ALS Transport	
Initial Dispatch Code	MEDICAL EMERGENCY	
Aid Given or Received	N - None	
Action Taken 1	33 - ALS Treatment & Assessment	
Action Taken 2	34A - ALS Transport	
Casualties	No	
EMS Provided	Yes	
Apparatus - Suppression	4	
Apparatus - EMS	2	
Personnel - Suppression Personnel	9	
Personnel - EMS Personnel	4	
Property Use	419 - 1 or 2 family dwelling	
Location Type	Address	
Address		
City, State Zip	OCEANSIDE, CA 92057	
District	7	
Census Tract	185 .15	
Directions		
Latitude	33.222539	
Longitude	-117.303952	
Map Page	6317A	

Person Involved - OPD,

Involvement Code	RP
Last Name	OPD
Street Address	

Apparatus - 2118

Apparatus ID	2118	
Apparatus Dispatch Date and Time	18:23:56	Sunday, September 1, 2013
Apparatus Clear Date and Time	18:25:41	Sunday, September 1, 2013
Apparatus cancelled after dispatch	Yes	
Number of People	3	
Apparatus Use	1	
Apparatus Action Taken 1	93 - Cancelled en route or after dispatch	
Apparatus Type	11 - Engine	
Personnel 1	267738 - Kozik, Paul J	
	Position: FF/PM	
Personnel 2	15270 - Cotton, Phillip E	

Incident Report

Oceanside Fire Department

2013-0011739 -000

Apparatus - 2118		
Personnel 3	Position: CAPT 20108 - Martinez, Lloyd J Position: ENGINEER	

Apparatus - 2293		
Apparatus ID	2293	
Apparatus Dispatch Date and Time	19:10:09	Sunday, September 1, 2013
En route to scene date and time	19:10:47	Sunday, September 1, 2013
Apparatus Clear Date and Time	19:21:49	Sunday, September 1, 2013
Apparatus priority response	Yes	
Apparatus cancelled after dispatch	Yes	
Apparatus Use	1	
Apparatus Action Taken 1	93 - Cancelled en route or after dispatch	
Apparatus Type	76 - ALS Ambulance	

Apparatus - 2176		
Apparatus ID	2176	
Response Time	0:11:50	
Apparatus Dispatch Date and Time	18:25:22	Sunday, September 1, 2013
En route to scene date and time	18:25:27	Sunday, September 1, 2013
Apparatus Arrival Date and Time	18:37:17	Sunday, September 1, 2013
Apparatus Clear Date and Time	20:04:05	Sunday, September 1, 2013
Apparatus priority response	Yes	
Number of People	3	
Apparatus Use	1	
Apparatus Action Taken 1	33 - ALS Treatment & Assessment	
Apparatus Action Taken 2	73 - Provide manpower	
Apparatus Type	13 - Quint	
Personnel 1	17195 - Dyal, Clinton Position: ENGINEER	
Personnel 2	252381 - Campbell, Mark A Position: CAPT	
Personnel 3	91395 - Harris, Kellen Position: FF/PM	

Apparatus - 2196		
Apparatus ID	2196	
Response Time	0:12:40	
Apparatus Dispatch Date and Time	18:23:56	Sunday, September 1, 2013
En route to scene date and time	18:24:46	Sunday, September 1, 2013
Apparatus Arrival Date and Time	18:37:26	Sunday, September 1, 2013
En route to facility date and time	18:48:30	Sunday, September 1, 2013
Arrive facility date and time	18:57:11	Sunday, September 1, 2013
Apparatus Clear Date and Time	19:16:38	Sunday, September 1, 2013
Apparatus priority response	Yes	
Number of People	2	
Apparatus Use	2	
Apparatus Action Taken 1	33 - ALS Treatment & Assessment	

Incident Report

Oceanside Fire Department

2013-0011739 -000

Apparatus - 2196

Apparatus Action Taken 2	34A - ALS Transport
Apparatus Type	76 - ALS Ambulance
Personnel 1	289799 - Cantacessi, Alexander
	Position: FF/PM
Personnel 2	308275 - Kessler, Gabriel D
	Position: FF/PM

Apparatus - 2197

Apparatus ID	2197
Response Time	0:07:01
Apparatus Dispatch Date and Time	18:46:31 Sunday, September 1, 2013
En route to scene date and time	18:46:44 Sunday, September 1, 2013
Apparatus Arrival Date and Time	18:53:45 Sunday, September 1, 2013
En route to facility date and time	19:06:52 Sunday, September 1, 2013
Arrive facility date and time	19:44:55 Sunday, September 1, 2013
Apparatus Clear Date and Time	19:46:53 Sunday, September 1, 2013
Apparatus priority response	Yes
Number of People	2
Apparatus Use	2
Apparatus Action Taken 1	33 - ALS Treatment & Assessment
Apparatus Action Taken 2	34A - ALS Transport
Apparatus Type	76 - ALS Ambulance
Personnel 1	278893 - Howell, Bryan
	Position: FF/PM
Personnel 2	308274 - Owens, Eric E
	Position: FF/PM

Apparatus - 2118

Apparatus ID	2118
Response Time	0:04:52
Apparatus Dispatch Date and Time	19:12:07 Sunday, September 1, 2013
En route to scene date and time	19:13:08 Sunday, September 1, 2013
Apparatus Arrival Date and Time	19:18:00 Sunday, September 1, 2013
Apparatus Clear Date and Time	20:04:57 Sunday, September 1, 2013
Apparatus priority response	Yes
Number of People	3
Apparatus Use	1
Apparatus Action Taken 1	73 - Provide manpower
Apparatus Type	11 - Engine
Personnel 1	267738 - Kozik, Paul J
	Position: FF/PM
Personnel 2	15270 - Cotton, Phillip E
	Position: CAPT
Personnel 3	20108 - Martinez, Lloyd J
	Position: ENGINEER

Authority

Reported By	252381 - Campbell, Mark A
-------------	---------------------------

Incident Report

Oceanside Fire Department

2013-0011739 -000

Authority	
Officer In Charge	12:44:42 Monday, September 2, 2013 252381 - Campbell, Mark A
Reviewer	12:44:44 Monday, September 2, 2013 -

Narratives	
Narrative Name	CAD Narrative
Narrative Type	CAD Narrative
Author	-
Narrative Text	CAD Master Incident Number:2013-091374 Primary Jurisdiction Number:OCS 20130011739
Narrative Name	2197
Narrative Type	Incident
Narrative Date	21:44:28 Sunday, September 1, 2013
Author	308274 - Owens, Eric E
Author Rank	FF/PM
Author Assignment	1
Narrative Text	Transport male in mid-50's , c/c GSW to right shoulder, to Oceanside Airport for Mercy Air Flight to SLJ. PPR Palmieri. QCS 4641624
Narrative Name	2118
Narrative Type	Company
Narrative Date	06:25:04 Monday, September 2, 2013
Author	15270 - Cotton, Phillip E
Author Rank	CAPT
Author Assignment	1
Narrative Text	Cancelled onscene per 2176
Narrative Name	2176
Narrative Type	Incident
Narrative Date	12:29:31 Monday, September 2, 2013
Author	252381 - Campbell, Mark A
Author Rank	CAPT
Author Assignment	1
Narrative Text	While enroute to call, 2176/2196 advised to stage per OPD. Once cleared to enter by OPD, arrived on scene outside of condo for an elderly female assault victim. Performed ALS Ax/Rx. Assisted 2196 for Tx to LZ. FF/PM Harris rode with 2196 for manpower to assist. As 2196 was leaving scene, 2176 advised by OPD that they had an additional patient that needed Ax. Responded inside the residence for an adult male with a GSW and other injuries. Performed ALS Ax/Rx of Pt. Assisted 2197 with Tx to LZ. Eng Dyal rode with 2197 for manpower.

End of Report

**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784

Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

ORIGIN: At approximately 2200 on 09-01-13, I was called in by Sergeant Christensen to complete a firearms inspection report for an officer-involved shooting.

OFFICERS OBSERVATIONS AND ACTIONS: I arrived and met Sergeant Christensen in his office. Sergeant Christensen told me that Officer Kaldenbach had discharged his department-issued M4 carbine during an encounter with a suspect at [REDACTED]. At approximately 2335 I met Officer Kaldenbach in the department's secured parking lot. Officer Kaldenbach retrieved his carbine from the driver's compartment of OPD patrol car #131 (CA/1373784) and handed it to me. Officer Kaldenbach told me the weapon was still loaded (round chambered) and the EOTech electronic sight was still activated. In addition to the carbine, Officer Kaldenbach retrieved both of his issued spare rifle magazines from the trunk of the same vehicle. I collected both of Officer Kaldenbach's spare magazines and took them and the weapon to the Investigations FET office for inspection and processing. FET Luetch was present during my inspection of Officer Kaldenbach's carbine and processed the weapon for evidence. The results of my inspection were as follows:

Weapon make/model/caliber: Colt / M4 Carbine / 5.56 mm

Serial number: [REDACTED] (SWAT stock #5)

Department issued: Yes

Weapon loaded/unloaded: The weapon was loaded with a 30-round Magpul P-Mag magazine. The magazine contained 28-rounds of department-approved Winchester

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784

Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

5.56mm 55-grain FMJ ammunition. The weapon also had one round of the same type of ammunition in its chamber. All of the ammunition I recovered from the weapon and magazine was dry and free of any signs of damage or corrosion.

Spare magazines & ammunition: Both of Officer Kaldenbach's spare rifle magazines were 30-round Magpul *P-Mags*. The first magazine I inspected contained 29-rounds of department-approved Winchester 5.56mm 55-grain FMJ ammunition and one round of department-approved Remington 5.56mm 55-grain FMJ ammunition. The second spare magazine contained 30-rounds of department-approved Winchester 5.56mm 55-grain FMJ ammunition. All of the ammunition I recovered from the spare magazines was dry and free of any signs of damage or corrosion.

Approved weapon modifications & upgrades: Officer Kaldenbach's weapon had the following department-approved modifications and upgrades:

- Magpul MOE model collapsible stock
- Backup iron rear sight (unknown manufacturer)
- EOTech 550 A65 holographic weapon sight
- GG&G vertical fore-grip (broom-handle)
- SureFire M95 weapon light
- SureFire M73 Picatinny Rail Forend

Unauthorized weapon modifications: None.

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784

Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

Overall condition: I conducted a visual inspection of the weapon before and after disassembly. I found no evidence of damage to any of the weapon's major components. There was debris (fouling and carbon) in the weapon's bore, chamber, upper receiver, lower receiver, and bolt carrier group that was consistent with the weapon having been fired.

Inspection (assembled): I reassembled the firearm and performed an unloaded function test. The weapon cycled correctly; the trigger mechanism functioned correctly; and the weapon cocked each time I cycled its action. I conducted a function check of the weapon on safe, semi, and full-auto. The weapon functioned correctly in all three modes.

I also conducted an abbreviated inspection of the duty sidearm, backup weapons, and ammunition of each officer who was present at the time of the incident. The results of these inspections were as follows:

Sergeant R. Hardy: I inspected Sergeant Hardy's department-issued Glock-17 (serial [REDACTED]). I found no evidence of damage or excessive wear. The weapon was clean. A department-approved weapon light (SureFire X300) was mounted on the weapon's accessory rail. The weapon was loaded with a Glock 17-round magazine containing 17-rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. There was also a round of the same type of ammunition in the weapon's chamber. Sergeant Hardy carries two spare Glock 17-round magazines. Both magazines contained 17-rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. Sergeant Hardy's total ammunition count: 52-rounds.

**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784

Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

1 Officer S. Hay: I inspected Officer Hay's department-issued Glock-17 (serial
2 [REDACTED] I found no evidence of damage or excessive wear. The weapon was dirty. A
3 department-approved weapon light (Streamlight TRL-1) was mounted on the weapon's
4 accessory rail. The weapon was loaded with a Glock 17-round magazine containing 18-
5 rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. There
6 was also a round of the same type of ammunition in the weapon's chamber. Officer Hay
7 carries two spare Glock 17-round magazines. Both magazines contained 17-rounds of
8 department-approved Winchester 9x19mm 147-grain JHP ammunition. Officer Hay's
9 total ammunition count: 53-rounds.

11 Officer L. Webber: I inspected Officer Webber's department-issued Glock-17 (serial
12 [REDACTED] I found no evidence of damage or excessive wear. The weapon was dirty.
13 The weapon was loaded with a Glock 17-round magazine containing 17-rounds of
14 department-approved Winchester 9x19mm 147-grain JHP ammunition. There was also a
15 round of the same type of ammunition in the weapon's chamber. Officer Webber carries
16 two spare Glock 17-round magazines. Both magazines contained 17-rounds of
17 department-approved Winchester 9x19mm 147-grain JHP ammunition. Officer
18 Webber's total ammunition count: 52-rounds.

20 Officer J. Willms: I inspected Officer Willms' department-issued Glock-17 (serial
21 [REDACTED] I found no evidence of damage or excessive wear. The weapon was dirty. A
22 department-approved weapon light (Streamlight TRL-1) was mounted on the weapon's
23 accessory rail. The weapon was loaded with a Glock 17-round magazine containing 18-
24 rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. There

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784
Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

was also a round of the same type of ammunition in the weapon's chamber. Officer Willms carries two spare Glock 17-round magazines. One of spare magazines contained 18 rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. The second spare magazine contained 17-rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. Officer Willms' total ammunition count: 54-rounds.

Officer F. Wagner: I inspected Officer Wagner's department-issued Glock-17 (serial [REDACTED]) I found no evidence of damage or excessive wear. The weapon was dirty. A department-approved weapon light (SureFire X200) was mounted on the weapon's accessory rail. The weapon was loaded with a Glock 17-round magazine containing 17-rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. There was also a round of the same type of ammunition in the weapon's chamber. Officer Wagner carries two spare Glock 17-round magazines. One of spare magazines contained 17 rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. The second spare magazine contained 16-rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition and one round of Winchester factory soft-point ammunition. Officer Wagner's total ammunition count: 52-rounds.

Officer A. Trabelsi: I inspected Officer Trabelsi's department-issued Glock-17 (serial [REDACTED]) I found no evidence of damage or excessive wear. The weapon was dirty. A department-approved weapon light (Streamlight TRL-1) was mounted on the weapon's accessory rail. The weapon was loaded with a Glock 17-round magazine containing 17-rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. There

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784
Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

1 was also a round of the same type of ammunition in the weapon's chamber. Officer
2 Trabelsi carries four spare Glock 17-round magazines. All four of his spare magazines
3 contained 17-rounds of department-approved Winchester 9x19mm 147-grain JHP
4 ammunition. At the time of the incident, Officer Trabelsi was also carrying a Ruger LCP
5 .380 caliber pistol as a backup weapon. The serial number on Officer Trabelsi's Ruger
6 LCP is [REDACTED] The Ruger LCP was loaded with a six-round magazine containing
7 five rounds of Winchester Silvertip .380 caliber hollow-point ammunition and one round
8 of Federal .380 caliber JHP ammunition. The Ruger LCP also had a Winchester Silvertip
9 .380 caliber hollow-point in its chamber. Officer Trabelsi's total ammunition count: 86-
10 rounds for his Glock-17 and seven rounds for his backup weapon.

11
12 Officer C. Kaldenbach: I inspected Officer Kaldenbach's's department-issued Glock-17
13 (serial [REDACTED] I found no evidence of damage or excessive wear. The weapon was
14 dirty. A department-approved weapon light (Streamlight TRL-1) was mounted on the
15 weapon's accessory rail. The weapon was unloaded. Officer Kaldenbach provided me
16 with his three issued Glock 17-round magazines. Each magazine was loaded with 17-
17 rounds of department-approved Winchester 9x19mm 147-grain JHP ammunition. There
18 was also an additional round of the same type of ammunition that was not loaded in any
19 magazine. Officer Kaldenbach's total ammunition count: 52-rounds.

20
21 **STATEMENTS:** None.

22
23 **INJURIES:** None.
24

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784
Case Number

Offense: Officer's Report – Firearms Inspection Report

Date of Offense: 09-01-13

Location: 3855 Mission Avenue, Oceanside

Beat/District: 8/016

Victim: N/A

Suspect: N/A

EVIDENCE: FET Luetch photographed the weapon, magazines and ammunition. After I completed my inspection, FET Luetch placed the weapon, all three rifle magazines, and all of the ammunition (89 rounds) into evidence. See her report for details.

WITNESS: None.

PROPERTY LOSS: None.

ATTACHMENTS: None.

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Oceanside Police Department Officer Report

CAD Event No.

Case No. **13011784**Report No. **1791****1**

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GENERAL CASE INFORMATION

Special Studies:		Related Cases:	
Location City, State, ZIP:		Occurred On:	
[REDACTED]		9/1/2013 7:30:00 PM (Sunday)	
Jurisdiction:	Beat:	Call Source:	(and Between):
Oceanside - B5	015		

INDIVIDUAL/S**REPORT NARRATIVE**

ORIGIN: On 09/01/13 at approximately 19:30 hours, I responded to Scripps Memorial Hospital in La Jolla to guard a PC 245 Assault with a Deadly Weapon Suspect.

OFFICERS OBSERVATIONS AND ACTIONS: On arrival at Scripps Hospital I contacted and relieved Officer Willms who had been attempting to obtain a statement from the suspect Gregory Foley DOB [REDACTED] and the victim, Foley's mother.

Both Foley and his mother claimed they could not remember what happened and how they had arrived at the Hospital. (See officer Willms report for further details)

After officer Willms departed, the male nurse [REDACTED] who was Foleys care taker advised that Doctor [REDACTED] would be returning to the Trauma room and would be [REDACTED]. He said that the [REDACTED] Foley showed [REDACTED] he had eight bullet fragments lodged from; the entry wound on the bottom of his left shoulder blade, to his neck and right shoulder blade. That there was no major damage to any of his organs and that [REDACTED] would not be performing surgery on Foley.

As we spoke, [REDACTED] CPT# 50704, arrived and at 22:47 hours took two blood samples from Foley. Later 23:11 hours, I passed on these samples to detective Johnson, who had arrived at the trauma room accompanied by Detective Dunn.

At approximately 01:15 hours [REDACTED] came into the trauma room and began [REDACTED]. While cleaning and probing Foleys left shoulder wound, he extracted two small bullet fragments which he placed into a plastic container and which I took custody off.

[REDACTED] advised that Foleys blood work had returned and that he had a BAC of .23. Foley who had been listening to tell me his BAC said, "Wow, I didn't think I had drunk so much... I can't remember a thing." After Foley's wounds had been stitched and dressed he was taken to room # 418, where I remained with him until relieved in the morning by Officer Crosby.

When I returned to the Oceanside Police Department on the morning of 09/02/13, I released the two bullet fragments to detective Baxter who took custody off them and secured them in property locker number #1.

During the whole time I was with suspect Foley he never advised he knew what had brought him to Scripps Hospital. When asked by Hospital staff or [REDACTED] he would respond with, "I can't remember a thing."

STATEMENTS: None

INJURIES: NA

EVIDENCE: Two bullet fragments extracted from suspects Foleys left shoulder by Dr. Nasrallah.

WITNESS: None

Reporting Officer OC1197 - Perez, Jose A.	Division / Organization N/M FRT / FOPS - Field Operations	Reviewed By <i>ML 724</i>
Report Date 9/3/2013 5:56:08 AM	Detective Assigned OC0839 - Janda, John	Reviewed Date



Oceanside Police Department Officer Report

CAD Event No.

Case No. **13011784**

Report No. **1791**

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PROPERTY LOSS: None.

Reporting Officer OC1197 - Perez, Jose A.	Division / Organization N/M FRT / FOPS - Field Operations	Reviewed By
Report Date 9/3/2013 5:56:08 AM	Detective Assigned OC0839 - Janda, John	Reviewed Date

OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location: [REDACTED]

Beat: 06 Dist.: 024

Victim: [REDACTED]

Suspect: Greg Foley

ORIGIN: On 09/01/13 at 1812 hours I monitored a radio call at [REDACTED] I was driving to meet Officer Wheeler near the intersection of Old Grove and Mission. The call was originally broadcasted as an assault and assigned to Officer Wheeler. As he said he would respond, I diverted to cover him until his cover officer arrived.

OFFICER'S OBSERVATIONS AND ACTIONS:

As the dispatcher continued to give out information, I heard the following. The R/P said her son had assaulted her. She also said she was bleeding. She then said her son had armed himself with a knife. Officer Wheeler answered he would be en route Code 3. The dispatcher then said she heard a voice on the line say, "You're dead." The R/P stopped answering questions from the dispatcher at this point. Officer Wheeler and I joined up at Old Grove and Mesa and I continued behind him. We arrived at the location and Officer Wheeler parked at the northwest corner of the location while I parked at the southeast corner. Officer Wheeler requested Emergency Traffic and paramedics.

I exited my vehicle and saw a WFA (later identified as [REDACTED]) inside the garage of the address. She was wearing a pink robe and was sitting on the tail end of a vehicle which was parked inside the garage. The hatchback of the vehicle was up. I could see from my location she was covered from head to foot with what appeared to be blood. As I approached her, I could see

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location: [REDACTED]

Beat: 06 Dist.: 024

Victim: [REDACTED]

Suspect: Greg Foley

1 she had blood covering her face. When I got to her, Officer Wheeler took a position to hold the
2 front door and the doorway from the garage into the house. He asked her, "Who did this to
3 you?" She answered, "My son."

4
5 I took [REDACTED] by the hand and could see a thick stream of blood flowing from her scalp across her
6 forehead onto her nose and beginning to drop onto the pavement. I asked her who hurt her. She
7 said, "My son." I asked who her son was. She said, "Greg." I asked if he stabbed her. She said,
8 "No." I asked how he had hurt her. She said, "His hands, fists." She then became reluctant to
9 answer my questions and began saying, "Help me. Get the paramedics", over and over. I
10 requested two more units Code 3 to the location.

11
12 I could not tell how severe the injuries were to [REDACTED] at this time due to the copious blood flow
13 on her face. Her arms were also bloody as was the robe she was wearing. However, I could see
14 that the area around her cheekbones and orbital area were discolored and swollen. I asked her if
15 her son had any guns in the house. She answered, "No, only knives." I asked her if anyone else
16 was in the house. She answered, "My husband." At this time I heard a noise on the north side of
17 the house. I saw Officer Wheeler raise his handgun, point it in the direction of the front door and
18 say, "Come out of the house right now. Show me your hands and come out." I heard a voice,

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OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location: [REDACTED]

Beat: 06 Dist.: 024

Victim: [REDACTED]

Suspect: Greg Foley

1 but could not hear what was said. Officer Wheeler told me it was the suspect and the suspect had
2 said, "Come in and get me." I asked [REDACTED] where her husband was inside the house. She said
3 she did not know.

4
5 Believing [REDACTED] injuries were severe, knowing a bit of the history at the residence, and
6 knowing her husband was inside the residence, I became immediately concerned for his safety.
7 My knowledge of the residence is that the arguments within the household generally start with
8 the father and the son. I was afraid the father might have been attacked and, if not, an attack
9 might be imminent. I determined to remove [REDACTED] to a safe place.

10
11 As I was moving [REDACTED] east on the street to get away from the house, she refused my assistance
12 and encouragement to move. Other officers were arriving and I was directing them to locations
13 and assignments. [REDACTED] was struggling against my attempts to move her down the street. She
14 said, "I need medics. Bring them here."

15 I explained to her the paramedics were on the way and the sooner I could get her to a safe place,
16 the sooner they would help her. She continued to resist me every step of the way. She became a
17 bit cooperative when one of her neighbors (WFA - NFD) assisted in moving her down the street.
18 I ultimately helped her sit on a folding chair at the corner. I directed Officer Nevares to help her

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784

Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location: [REDACTED]

Beat: 06 Dist.: 024

Victim: [REDACTED]

Suspect: Greg Foley

1 to the paramedics. He and another officer lifted her on the folding chair and carried her to the
2 paramedics. I heard FET Kidd arrive and called her. I told her I was going to call paramedics to
3 enter the area. It would be safe for her to grab her camera and start taking candid photos of the
4 victim at the ambulance. She acknowledged she would do it.

5
6 I returned to the residence and reconsidered what I knew. The victim appeared to be severely
7 wounded. She said she had not been stabbed, but had obvious lacerations on her arms. Her son
8 Greg was the suspect. Greg was armed with a knife. The elderly father was still in the house,
9 but I did not know where and I did not know if he was hurt. The arguments usually begin with
10 the father and son. The injuries I saw on Foley indicated someone attacked her in extreme rage.
11 I heard no active struggle inside the residence. I heard no cries for help. I believed that the
12 husband was in imminent danger. Based on the injuries to Foley that I saw, I believed it was
13 only a matter of time before Greg found his father and attacked him.

14
15 I called Officer Nevares (CNT) to the location and had him try to establish contact with anyone
16 inside the house. Officer Nevares attempted call-ins numerous times, but got no answer.
17 Dispatch attempted several call-ins as well and got no answer. I directed Officer Nevares to use
18 the P.A. system on the police car to get someone to come out. He attempted several times, but

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location: [REDACTED]

Beat: 06 Dist.: 024

Victim: [REDACTED]

Suspect: Greg Foley

1 there was no response. Sergeant Hardy arrived on scene and I briefed him. I told him we should
2 set up a Crisis Entry Team. He concurred. We discussed the options and levels of lethal and less
3 lethal weapons. Sergeant Hardy took over that responsibility. During this time Officer Nevares
4 and dispatch continued to try to contact anyone inside the residence, but there was no answer.

5
6 I was convinced at this point that the father's life was in imminent danger. Sergeant Hardy
7 organized his team. I told him to let me know when they were in position to enter the residence.
8 He formed his team at the rear of the residence where the sliding glass door was open. I told him
9 he had my permission to proceed.

10
11 I could hear the officers inside the house as they were calling out. Their voices were muffled
12 and I could not understand what they were saying. After several seconds I heard a loud voice
13 saying, "Stop." I then heard three muffled pops. I recognized these as discharges of a 40mm
14 sponge ball round. There were several seconds of quiet, and then I heard a gunshot from inside
15 the residence. This was followed by at least one more muffled pop. I heard a loud fight inside
16 the residence which went on for several SECONDS. When the commotion subsided one of the
17 officers called down that they needed paramedics inside.

18

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**OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE**

13011784

Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location:

Beat: 06 Dist.: 024

Victim:

Suspect: Greg Foley

1 I checked with the officers inside to be sure everyone was alright. I was told the officers were
2 fine, but the suspect had sustained a gunshot wound to the shoulder.

3
4 I confirmed paramedics were on their way in. I began to make notifications including, but not
5 limited to, my Captain, the Investigations Duty Sergeant, the Professional Standards Sergeant,
6 Sergeant Brazelton who would be tasked with running the field and Peer Support Team
7 members. I also called Sergeant Wayer and instructed him to bring his people in early and go in
8 service upon arriving at the station.

9
10 When the entry team exited the residence, I secreted them as best as the conditions allowed. I
11 requested Officer Sarracino to respond to the scene and become Officer Kaldenbach's escort. I
12 instructed the officers from the entry team not to discuss the incident at this time.

13
14 I made arrangements for all of these officers to be relieved and to return to the station. Officer
15 Sarracino stayed with Officer Kaldenbach throughout the evening except when officer
16 Kaldenbach was with counsel. The other officers were secreted in the California Room with
17 Peer Support Team members and instructed again not to speak about the incident. The Peer

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OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784
Case Number

Offense: PC 664/187(a) Attempted Murder

Date of Offense: 09/01/13

Location:

Beat: 06 Dist.: 024

Victim:

Suspect: Greg Foley

- 1 Support Team members who responded to the station were Sergeant Alvis, Officer Pina, Officer
2 Malone, and detective Pecchia.

3 **STATEMENTS:**

- 4 See Crime Report.

5 **INJURIES:**

- 6 See Crime Report and Investigations follow ups.

7 **EVIDENCE:**

- 8 See Crime Report, FET report and Investigations follow ups.

9 **WITNESSES:**

- 10 See Crime Report.

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OCEANSIDE POLICE DEPARTMENT

OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 245 ADW

Date of offense: 9-1-13

Location: [REDACTED]

Beat:/Dist.: 6/025

Victim: [REDACTED]

Suspect: Foley, Greg

ORIGIN:

On 9-1-13 at about 1820 hours, Officer Weber and I responded to a call for cover. Officers at [REDACTED] were investigating a stabbing and asked for cover.

OFFICERS OBSERVATIONS AND ACTIONS:

Upon arrival, I assisted the victim [REDACTED]. I observed blood coming from front of [REDACTED] head. I also observed blood coming from her hands and face. [REDACTED] had both eyes black and blue with swelling. [REDACTED] spontaneously, told me her son had beat her and caused the injuries. I took [REDACTED] away from the scene so medics could treat her. Once [REDACTED] was safe, I made several calls into the residence to make contact with the occupants at [REDACTED]. I was unsuccessful. I was then asked to make PA announcements to the residence because I am a certified crisis negotiator. I made PA announcements which stated, "Occupants of [REDACTED] Way, this is the Oceanside Police Department. Come to the front door with your hands UP!" I repeated the announcements for several minutes.

I stopped the announcements and the crisis entry team entered the residence. I then took up a position at the garage covering the garage door. I was about 5 feet from the front door to the residence. The front door was open and I could hear shouting and commands being given by officers inside. I heard, "Put your hands up! Put the knife down! I can see the knife put it down! Put the knife down or my dog will bite you!" I heard several less-lethal sponge rounds being deployed. I heard the sound of a large caliber weapon discharge. I heard over the radio, officers requesting medics to treat a subject with a gunshot wound and dog bites.

OCEANSIDE POLICE DEPARTMENT

OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 245 ADW

Date of offense: 9-1-13

Location: [REDACTED]

Beat:/Dist.: 6/025

Victim: [REDACTED]

Suspect: Foley, Greg

1 I entered the house by the front door. I went to the stairs to assist officers. At the base of the
2 stairs, I could see blood drops to my right, in the kitchen near the patio door. I saw deployed
3 sponge rounds and casings on the stairs leading up to the second story. Once upstairs I could see
4 blood in the hall way leading to the far west bedroom. Inside the bedroom I observed a subject
5 on his knees in handcuffs. G. Foley had blood coming from a wound on his right arm. Officer
6 Hay was applying direct pressure to the left back shoulder region of Greg Foley. There was
7 blood on G Foley's bed and floor. The bed faced east and west. At the foot of the bed or the
8 west end of the bed, I observed a black handled kitchen knife. The knife had blood on the sharp
9 end.

10
11 Medics arrived and treated G. Foley's wounds and transported him to the hospital. I stayed on
12 scene to preserve the evidence and secure chain of custody. I stayed inside the residence and no
13 one entered the residence until detectives and a field evidence technician were able to collect the
14 evidence and relieve me. I then exited the house and signed out of the crime scene.

STATEMENTS:

17 None

EVIDENCE:

20 See 11-10 by field evidence technicians

INJURIES:

23 Less-lethal bruising, K-9 bites and a GSW

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
R. Nevares	1370	9-1-13	SES			Page 2 of 3

OCEANSIDE POLICE DEPARTMENT

OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 245 ADW

Date of offense: 9-1-13

Location

Victim:

Beat:/Dist.: 6/025

Suspect: Foley, Greg

1 **WITNESS:**

2 See A/R

3 **PROPERTY LOSS:**

4 None

OCEANSIDE POLICE DEPARTMENT

OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: Officer's Report

Date of offense: 09-17-13

Location: 3855 Mission Avenue, Oceanside

Beat: /Dist.: 8/016

Victim: N/A

Suspect: N/A

ORIGIN: On 09-17-13 at approximately 1130, I took custody of the Colt M4 carbine (serial # [REDACTED]) used in the officer-involved shooting documented under OPD case number 13011784.

OFFICERS OBSERVATIONS AND ACTIONS: Sergeant Christensen requested that I take the weapon to our Department firearms range to conduct a live-fire function test. In addition to the firearm, FET Luetch also gave me the three 30-round rifle magazines and 87-rounds of 5.56mm ammunition that were collected when the weapon was originally taken as evidence on 09-01-13. FET Luetch maintained custody of the 5.56mm round that I collected from the weapon's chamber on 09-01-13. I arrived at our range at approximately 1215.

I performed an unloaded function test. The weapon cycled correctly; the trigger mechanism functioned correctly; and the weapon cocked each time I cycled its action. I conducted a function check of the weapon on safe, semi, and full-auto. The weapon functioned correctly in all three modes. Next, I loaded a magazine of 30-rounds of 5.56mm duty ammunition (Winchester 55 grain FMJ).

I fired five rounds into the head of a BT-D-OPD target from a distance of five yards. The round impacts were grouped in an approximately 1.5-inch spread and were centered on the target's head approximately two inches below my point of aim. Next, I fired the remaining 25

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
T. Moulder	1200	09-17-13	F/O	<i>MC</i>	<i>724</i>	1

OCEANSIDE POLICE DEPARTMENT

OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: Officer's Report

Date of offense: 09-17-13

Location: 3855 Mission Avenue, Oceanside

Beat: /Dist.: 8/016

Victim: N/A

Suspect: N/A

rounds with the weapon's selector lever set on full-auto from a distance of five yards. My point of aim was the center-mass of the same target. All 25-rounds impacted in the target's center-mass scoring ring in an area approximately five-inches wide from side to side in the approximate center of the target. Based on the weapon's performance on these two live-fire tests, I determined that the firearm was functioning properly. At 1300 on 09-17-13, I released the weapon and magazines to Detective Campagna (a SWAT Team member) so that he could return the weapon to the team's secured storage locker on their equipment truck.

STATEMENTS: None.

EVIDENCE: None.

INJURIES: None.

WITNESS: None.

PROPERTY LOSS: None.

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
T. Moulder	1200	09-17-13	F/O			2

**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

CONTINUED FROM:

					PAGE of	CASE NUMBER 13011784	
CODE SECTION AND DESCRIPTION OFFICERS REPORT ONLY			MONTH 09	DAY 01	YEAR 13	DAY OF WEEK SUN	TIME 21:37
LOCATION OF INCIDENT [REDACTED]				CITY OCEANSIDE		STATE CA	DISTRICT 032
PERSON INVOLVED / VICTIM [REDACTED]			SUSPECT FOLEY, GREGORY			BEAT 06	

ORIGIN:

On Sunday 09-01-13 at approximately 21:37 hours I was dispatched to [REDACTED] for a detail.

OFFICER OBSERVATIONS AND ACTIONS:

I arrived and took possession of the crime scene log from Officer S. Samoa. I maintained the crime scene log after relieving Officer Samoa. See crime scene log for further.

I ended my detail on scene at approximately 02:30 hours.

EVIDENCE:

None.

INJURIES:


None.

PROPERTY LOSS:

None.

WITNESS LIST:

See RMS witness list.

REPORTING OFFICER CARWELL, D. P.	ID # 0837	APPROVED BY 	DATE OF REPORT: 09-02-13
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OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784
Case Number

Offense: PC 245(A)(1) ADW

Date of offense: 09-01-13

Location: [REDACTED]

Beat:/Dist.: 06 / 033

Victim: [REDACTED]

Suspect: Foley, Greg

ORIGIN:

On 09-01-13 at approximately 1815 hrs, I heard a radio call broadcast reference a possible ADW at [REDACTED]. Dispatch advised that Greg Foley was armed with a knife and was attacking his elderly mother, [REDACTED] Foley.

OFFICERS OBSERVATIONS AND ACTIONS:

At the time the call originated I was working an overtime detail at the beach for the Labor Day Weekend. My shift ended at 1900 hrs and I was on my way back to the station. While in route to the station I was listening to the radio traffic and the incident had evolved into a possible barricaded suspect with a hostage.

Once at the station I contacted PERT on call and spoke to Brian. I am the PERT Officer and I wanted to attempt to get any psych background on the suspect Greg Foley; and relay this to the units on scene. While Brian turned on his computer and logged on, (time consuming process) units on scene advised over the radio that they made entry and an Officer had taken a shot. I advised Brian that the information was now irrelevant and thanked him for his assistance.

Since I am also a PEER support member and an OIS just occurred, I contacted Lt. Cosby who was actually on scene of the OIS. Lt Cosby asked me to respond to the scene to assist in a PEER support capacity.

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
R. Sarracino	1156	09-01-13	F/O	<i>MC</i> 724		Page 1 of 5

OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 245(A)(1) ADW

Date of offense: 09-01-13

Location: [REDACTED]

Beat:/Dist.: 06 / 033

Victim: [REDACTED]

Suspect: Foley, Greg

1 Once on scene, Lt. Cosby told me that I was needed in a PERT capacity and to contact
2 Sgt. Hardy. Sgt. Hardy informed me that the husband of the victim was still in his bedroom and
3 refusing to come out. Sgt. Hardy asked me to attempt to talk him out of the residence and to also
4 evaluate him for a possible W&I 5150. I went inside and contacted [REDACTED] and Officer
5 Wheeler who were both in an upstairs bedroom. I introduced myself to [REDACTED] is an elderly
6 man who was sitting in bed. [REDACTED] had several skin tears on his hands and forearms. He had blood
7 on his t-shirt and there was also smeared blood on the floor and spots of blood on the sheets of
8 the bed. [REDACTED] is hard of hearing and very obstinate. I repeatedly explained to [REDACTED] that he needed
9 to come outside with me and that he was in a crime scene. I explained to [REDACTED] that his wife had
10 been injured and was at the hospital. [REDACTED] looked at me with a puzzled look on his face like he
11 was unaware of his wife's injuries. I offered to take [REDACTED] to the hospital to see his wife. [REDACTED]
12 refused to leave his room. I also advised [REDACTED] that his son was injured and at the hospital too.
13 Another puzzled look but still no cooperation. OFD medic came in and evaluated [REDACTED] injuries.
14 [REDACTED] was somewhat confused but still oriented to person, place and date. [REDACTED] refused to go with
15 OFD. [REDACTED] stated that his wife [REDACTED] cares for him. [REDACTED] denied knowing any neighbors or
16 having any friends or family in the area. [REDACTED] did not immediately meet the criteria for 5150.
17 However it was fairly apparent that [REDACTED] could not care for himself. If a care taker could not be
18 located, it may be necessary to place [REDACTED] on a 5150 for Gravely Disabled. Again I attempted to

Reporting employee

I.D. No.

Date

Division

Reviewed by

I.D. No.

Page No.

R. Sarracino

1156

09-01-13

F/O

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OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784
Case Number

Offense: PC 245(A)(1) ADW

Date of offense: 09-01-13

Location: [REDACTED]

Beat:/Dist.: 06 / 033

Victim: [REDACTED]

Suspect: Foley, Greg

1 convince [REDACTED] to walk outside with me. [REDACTED] stood up from the bed and walked toward me. [REDACTED]
2 suddenly turned and opened a dresser drawer at the foot of the bed and reached deep into the
3 drawer with his left arm. Fearing for my safety, and believing that [REDACTED] was possibly retrieving a
4 weapon, I took control of [REDACTED] right arm and pulled him away from the dresser. [REDACTED] yelled
5 profanities at me and attempted to pull away from me. Officer Wheeler assisted and together we
6 escorted [REDACTED] out of the residence. Once outside Sgt. Hardy spoke to [REDACTED] and reiterated what I
7 had told him about the crime scene and that it would be several hours before he could go back
8 inside. [REDACTED] was still obstinate but had calmed down somewhat. Officer Wheeler used [REDACTED]
9 phone book and was attempting to contact other family members that he located in the phone
10 book. Officer Wheeler was trying to find someone to care for [REDACTED] because it was going to be
11 several hours before [REDACTED] would be able to return home. [REDACTED] wife also had significant injuries
12 and she would likely be admitted to the hospital for a few days. [REDACTED] was unable to grasp the
13 severity of the situation and appeared to be in denial that anything had happened. It was
14 becoming more apparent that [REDACTED] was not going to be able to care for himself once the police
15 left the scene. FET Kidd took photographs of [REDACTED] injuries on his hands and arms. Later Officer
16 Wheeler placed [REDACTED] on a 5150 and took him to TCMC. See his report for details case 13011785.

17 Lt. Cosby reassigned me to stay with Officer Kaldenbach in a PEER Support position.

18 Officer Kaldenbach had already gone to the OPD station and I met up with him at the station.

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
R. Sarracino	1156	09-01-13	F/O			Page 3 of 5

OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784
Case Number

Offense: PC 245(A)(1) ADW

Date of offense: 09-01-13

Location: [REDACTED]

Beat:/Dist.: 06 / 033

Victim: [REDACTED]

Suspect: Foley, Greg

1 Officer Kaldenbach and I remained alone in the El Camino conference room. Sgt. Sullivan later
2 arrived. We did discuss in generalities what the investigational process is and what some of my
3 personal experiences were during my OIS; and how Officer Kaldenbach may experience similar
4 things. At NO time did Officer Kaldenbach and I discuss any details of his shooting or the events
5 that led up to the shooting. Sgt. Sullivan and I remained with Officer Kaldenbach until his
6 attorney arrived. I then sat with Officer Kaldenbach during the debriefing conducted by Dr.
7 Oostyen. At the conclusion of the debriefing, Lt. Cosby relieved me from the PEER Support
8 function and I went home. Officer Kaldenbach remained at OPD with his attorney pending his
9 interview with investigations.

10
11 **STATEMENTS:**

12 None

13
14 **EVIDENCE:**

15 See Crime Report

16
17 **INJURIES:**

18 See Crime Report

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
R. Sarracino	1156	09-01-13	F/O			Page 4 of 5

OCEANSIDE POLICE DEPARTMENT
OFFICER'S REPORT NARRATIVE

13011784

Case Number

Offense: PC 245(A)(1) ADW

Date of offense: 09-01-13

Location: [REDACTED]

Beat:/Dist.: 06 / 033

Victim: [REDACTED]

Suspect: Foley, Greg

1

2 **WITNESS:**

3 See Crime Report

4

5 **PROPERTY LOSS / DAMAGE:**

6 See Crime Report

Reporting employee	I.D. No.	Date	Division	Reviewed by	I.D. No.	Page No.
R. Sarracino	1156	09-01-13	F/O			Page 5 of 5

**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

CONTINUED FROM:

PAGE 1 of 2				CASE NUMBER #13011784		
CODE SECTION AND DESCRIPTION Officers Report / Officer Involved Shooting		MONTH 09	DAY 01	YEAR 13	DAY OF WEEK Sun	TIME 1915
LOCATION OF INCIDENT [REDACTED]			CITY			DISTRICT 032
PERSON INVOLVED / VICTIM See Report for details		SUSPECT See Report for details				

ORIGIN:

On 090113, at approximately 1915 hours, I was dispatched to [REDACTED] to assist officers at the scene. Police units were at this location reference a PC 664/187 Attempt Murder incident and Officer Involved Shooting incident (Oceanside Police Department case #13011784).

OFFICER OBSERVATIONS AND ACTIONS:

Upon arrival, I came into contact with Sgt. Hardy. Sgt. Hardy requested I transport a subject by the name of [REDACTED] to Tri-City Hospital. Officer Wheeler had determined at the scene that [REDACTED] was W&I 5150 – Gravely Disabled. [REDACTED] was placed on a W&I 5150 (Gravely Disabled) hold by Officer Wheeler and was taken into custody (Oceanside Police Department Case #13011785).

I transported [REDACTED] to Tri-City Hospital. He was released into their care/custody. At approximately 2127 hours I responded back to the Milano Way address. I was directed by Sgt. Hardy to stand by the front door until a search warrant could be obtained by the detective bureau. At approximately 0021 hours (090213) I was contacted at the scene by Detective Stracke #1155. Detective Stracke advised me a search warrant had been obtained and I was relieved of this post. I left the scene at approximately 0021 hours. While at the location I did not take any witness statements.

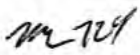
STATEMENTS:

None.

EVIDENCE:

None.

INJURIES:

REPORTING OFFICER S. Kelly	ID # #828	APPROVED BY: 	DATE OF REPORT: 90113
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**SAN DIEGO REGIONAL
OFFICER'S REPORT
NARRATIVE**

CONTINUED FROM:

PAGE 2 of 2	CASE NUMBER #13011784
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CODE SECTION AND DESCRIPTION Officers Report / Officer Involved Shooting	MONTH 09	DAY 01	YEAR 13	DAY OF WEEK Sun	TIME 1915
LOCATION OF INCIDENT [REDACTED]	CITY			DISTRICT 032	
PERSON INVOLVED / VICTIM See Report for details	SUSPECT See Report for details				

None.

PROPERTY LOSS:

None.

WITNESS LIST:

None.

REPORTING OFFICER S. Kelly	ID # #828	APPROVED BY:	DATE OF REPORT: 90113
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FILED

13 SEP 11 PM 2:15

CLERK SUPERIOR COURT
SAN DIEGO COUNTY, CA

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ORDER TO SEAL

SEARCH WARRANT INDEX NO. 45345

GOOD CAUSE APPEARING therefore, **IT IS HEREBY ORDERED** that the attached affidavit, the typed transcription, and the CD Recording of the above-referenced Search Warrant be **SEALED** pending further order of the Court.

IT IS SO ORDERED.

Dated: September 6, 2013


MELINDA J. LASATER
Judge of the Superior Court

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FILED
The above described CD recording, transcript and warrant received and filed on
9-11-13 13 SEP 11 PM 2:15

CLERK SUPERIOR COURT
SAN DIEGO COUNTY, CA

MICHAEL RODDY
Executive Officer

M. Bano
Deputy

**DECLARATION AND DETERMINATION
(PROBABLE CAUSE FOR WARRANTLESS ARREST)**

GENERAL

ARRESTEE: Foley, Gregory Dale		DOB: [REDACTED]	BOOKING #:
CHARGES: 1 664/187 - Attempt Murder		DATE/TIME/PLACE OF ARREST: 9-1-13 / 1825 / [REDACTED]	
ARRESTING AGENCY: Oceanside PD Case #13011784	ARRESTING OFFICER / ID #: M. Wheeler / 1303		AGENCY FAX #:435-4979

FACTS ESTABLISHING ELEMENTS OF CRIME AND IDENTIFICATION

On 9/1/13 at about 1810 hours, Gregory Foley assaulted his mother, [REDACTED] with a 6" serrated steak knife. [REDACTED] suffered defensive stab wounds to her hands, left forearm, back of the head and right cheek during the attack. [REDACTED] also suffered significant trauma to her face and body by Gregory beating her with his fists causing [REDACTED] right eye socket to be fractured. In addition Gregory threatened [REDACTED] by stating that he was going to kill her. [REDACTED] called 911 during the attack and escaped by exiting the residence and finding refuge in the garage where she was contacted by the police.

☐ **See attached reports, incorporated herein by reference**

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief. Executed in the County of San Diego, State of California.

Dated: 9/1/13 _____ M. Wheeler #1303 _____ (Declarant's Signature)

On the basis of the foregoing Declaration (☐ and attached reports), I hereby determine that there:

☐ IS ☐ IS NOT

probable cause to believe this arrestee has committed a crime.

(Date)

(Time)

(Magistrate's Signature)

By:

(For Telephonic Approvals)



Name: 13011784_151_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Authenticated

Upload Date: 9/2/2013 4:09:21 AM
Description: Ofc. Hay
Photographer: Faaiu, Faafetai
Thumbnail Name: 13011784_151_AA.JPG.jpg



Name: 13011784_155_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Upload Date: 9/2/2013 4:09:21 AM
Description: Ofc. Kaldenbach
Photographer: Faaiu, Faafetai
Thumbnail Name: 13011784_155_AA.JPG.jpg

Authenticated



Name: 13011784_137_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Upload Date: 9/2/2013 4:09:20 AM
Description: Ofc. Trabelsi
Photographer: Faaiu, Faafetai
Thumbnail Name: 13011784_137_AA.JPG.jpg

Authenticated



Name: 13011784_147_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Upload Date: 9/2/2013 4:09:20 AM
Description: Ofc. Wagner
Photographer: Faaiu, Faatetai
Thumbnail Name: 13011784_147_AA.JPG.jpg

Authenticated



Name: 13011784_153_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Authenticated

Upload Date: 9/2/2013 4:09:21 AM
Description: Ofc. Weber
Photographer: Faaiu, Faafetai
Thumbnail Name: 13011784_153_AA.JPG.jpg



Name: 13011784_157_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Upload Date: 9/2/2013 4:09:21 AM
Description: Ofc. Willms
Photographer: Faaiu, Faafetai
Thumbnail Name: 13011784_157_AA.JPG.jpg

Authenticated



Name: 13011784_159_AA.JPG
Width: 4000
Height: 6000
Case#: 13011784

Authenticated

Upload Date: 9/2/2013 4:09:29 AM
Description: Sgt. Hardy
Photographer: Faailu, Faafetai
Thumbnail Name: 13011784_159_AA.JPG.jpg



PROPERTY/EVIDENCE FORM

San Diego Sheriff's Department

09/01/13

PAGE

1 OF 2

SUSU CASE NUMBER

13006332

SEIZURE DATE 09/01/13	INCIDENT TYPE PC 664/187	DIVISION INV/OPD	BILLING CODE 0830	JUVENILE CASE ? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
CRIME DATE 9/01/13	INCIDENT LOCATION [REDACTED]			KEY CASE NUMBER
REPORTING OFFICER LaVake	ID 1210	ASSIGNED DETECTIVE	ID	STATION/UNIT OPD/INV
PERSON SUBMITTING (OTHER THAN ABOVE) VINOBLE 3001		OUTSIDE AGENCY T OPD	OUTSIDE AGENCY CASE# OPD # 13011784	PHONE NUMBER
HAS OTHER EVIDENCE BEEN PREVIOUSLY SUBMITTED ON THIS CASE? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	DATE NEEDED 09/17/13	

PEOPLE AFFILIATED WITH THE LISTED PROPERTY

AFFILIATE TYPE SUS	NAME (LAST, FIRST, MIDDLE) FOLEY, Gregory	RACE White	SEX M	DOB [REDACTED]	AGE
HOME ADDRESS, CITY, STATE, ZIP				HOME PHONE	
EMPLOYER/SCHOOL INFORMATION (RANK IF MILITARY)		BUSINESS OR MILITARY ADDRESS, CITY, STATE, ZIP			BUSINESS PHONE

AFFILIATE TYPE VIC	NAME (LAST, FIRST, MIDDLE) [REDACTED]	RACE White	SEX M	DOB [REDACTED]	AGE
HOME ADDRESS, CITY, STATE, ZIP				HOME PHONE	
EMPLOYER/SCHOOL INFORMATION (RANK IF MILITARY)		BUSINESS OR MILITARY ADDRESS, CITY, STATE, ZIP			BUSINESS PHONE

AFFILIATE TYPE VIC	NAME (LAST, FIRST, MIDDLE) [REDACTED]	RACE White	SEX F	DOB [REDACTED]	AGE
HOME ADDRESS, CITY, STATE, ZIP				HOME PHONE	
EMPLOYER/SCHOOL INFORMATION (RANK IF MILITARY)		BUSINESS OR MILITARY ADDRESS, CITY, STATE, ZIP			BUSINESS PHONE

EVIDENCE INFORMATION SECTION

ITEM# 001	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION Vial of Greg FOLEY's Blood	QUANTIT 01
MAKE	MODEL	CALIBER	VALUE
ID/SERIAL NUMBER	EVIDENCE TYPE CRIME	FILE CONTROL #	
PROP. AFFILIATION	NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

LAB REQUEST / COMMENT
Standard comprehensive tox panel

ITEM# 002	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION Oral DNA sample from [REDACTED]	QUANTIT 02
MAKE	MODEL	CALIBER	VALUE
ID/SERIAL NUMBER	EVIDENCE TYPE CRIME	FILE CONTROL #	
PROP. AFFILIATION	NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

LAB REQUEST / COMMENT
Obtain DNA profile and compare to profile from #003, 004, and 005

ITEM# 003	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION Kitchen steak knife with blood	QUANTIT 01
MAKE	MODEL	CALIBER	VALUE
ID/SERIAL NUMBER	EVIDENCE TYPE CRIME	FILE CONTROL #	
PROP. AFFILIATION	NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N

LAB REQUEST / COMMENT
Obtain DNA profile and compare to profile from #002, 006, and 007.





PROPERTY/EVIDENCE FORM / ADDITIONAL PROPERTY
San Diego Sheriff's Department

SEIZURE DATE
09/01/13

PAGE
2

SUDD CASE NUMBER

13006332

ITEM# 004	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION 12" claw hammer		QUANTITY 01	S.D. SHERIFF P&E  *I1425095*
MAKE		MODEL	CALIBER	VALUE	
ID/SERIAL NUMBER		EVIDENCE TYPE CRIME	FILE CONTROL #		
PROP. AFFILIATION		NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
LAB REQUEST / COMMENT Obtain DNA profile and compare to profile from #002, 006, and 007.					
ITEM# 005	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION Two plastic shopping bags covering hammer		QUANTITY 02	PLACE BAR CODE LABEL HERE 
MAKE		MODEL	CALIBER	VALUE	
ID/SERIAL NUMBER		EVIDENCE TYPE CRIME	FILE CONTROL #		
PROP. AFFILIATION		NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
LAB REQUEST / COMMENT Obtain DNA profile and compare to profile from #002, 006, and 007.					
ITEM# 006	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION Oral DNA sample from [REDACTED]		QUANTITY 02	S.D. SHERIFF P&E  *I1425096*
MAKE		MODEL	CALIBER	VALUE	
ID/SERIAL NUMBER		EVIDENCE TYPE CRIME	FILE CONTROL #		
PROP. AFFILIATION		NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
LAB REQUEST / COMMENT Obtain DNA profile and compare to profile from #003, 004, and 005					
ITEM# 007	LAB SERVICE? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION Oral DNA sample from Gregory FOLEY		QUANTITY 02	S.D. SHERIFF P&E  *I1425097*
MAKE		MODEL	CALIBER	VALUE	
ID/SERIAL NUMBER		EVIDENCE TYPE CRIME	FILE CONTROL #		
PROP. AFFILIATION		NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
LAB REQUEST / COMMENT Obtain DNA profile and compare to profile from #003, 004, and 005					
ITEM#	LAB SERVICE? <input type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION		QUANTITY	PLACE BAR CODE LABEL HERE
MAKE		MODEL	CALIBER	VALUE	
ID/SERIAL NUMBER		EVIDENCE TYPE	FILE CONTROL #		
PROP. AFFILIATION		NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input type="checkbox"/> N	
LAB REQUEST / COMMENT					
ITEM#	LAB SERVICE? <input type="checkbox"/> Y <input type="checkbox"/> N	ITEM DESCRIPTION		QUANTITY	PLACE BAR CODE LABEL HERE
MAKE		MODEL	CALIBER	VALUE	
ID/SERIAL NUMBER		EVIDENCE TYPE	FILE CONTROL #		
PROP. AFFILIATION		NAME	SEARCH WARRANT? <input type="checkbox"/> Y <input type="checkbox"/> N	FINDER WISHES TO CLAIM? <input type="checkbox"/> Y <input type="checkbox"/> N	
LAB REQUEST / COMMENT					



**SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
REGIONAL CRIME LABORATORY**

5255 Mt. Etna Drive San Diego, CA 92117
(858) 467-4600



AN ASCLD/LAB
ACCREDITED LABORATORY

LABORATORY SERVICE REPORT

REQUESTED BY:	LaVake #1210	SDSD CASE #:	13006332
AGENCY/DIVISION:	Oceanside Police Department	AGENCY CASE #:	13011784
SUSPECT(S):	Gregory Foley	INCIDENT TYPE:	664/187 PC
VICTIM(S):	[REDACTED]	INCIDENT DATE:	09/01/2013

SERVICE REQUESTED:

Perform DNA analysis on reference samples and compare to the DNA profiles previously obtained from evidence (see report 1/28/2014 by Kelly Hensley).

EVIDENCE SUBMITTED:

- Item 2 Two oral DNA swabs from "[REDACTED] Foley" (Lab ID #2)
- Item 6 Two oral DNA swabs from "[REDACTED] Foley" (Lab ID #5)
- Item 7 Two oral DNA swabs from "Gregory Foley" (Lab ID #6)

RESULTS:

Portions of items 2, 6, and 7 were extracted for DNA analysis. The extracted human DNA from items 2, 6, and 7 was amplified using the AmpFISTR Identifiler™ PCR amplification kit and analyzed on an Applied Biosystems Genetic Analyzer.

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
REGIONAL CRIME LABORATORY
LABORATORY SERVICE REPORT
SDSD CASE# 13006332 - AGENCY CASE# 13011784
(CONTINUED)

Table 1: DNA Results

Item	Description	D8S1179	D21S11	D7S820	CSFIPO	D3S1358	TH01	D13S317	D16S539	D2S1338	D19S433	VWA	TPOX	D18S51	AMEL	D5S818	FGA
3.02.01 ++	Swab of red stains on blade of knife (Lab ID 8.01)	12,14	30,33.2	11	12,13	15,18	8,9,3	12,13	11,12	20,26	14,14.2	19	8,9	13,14	X,Y	12	20,23
3.02.02 ++	Swab of red stains on knife handle (Lab ID 8.02)	12,14	30,33.2	11	12,13	15,18	8,9,3	12,13	11,12	20,26	14,14.2	19	8,9	13,14	X,Y	12	20,23
4.01.02 ++	Swab of side A of hammer head (Lab ID 10.02)	12,13,14	30,33.2	10,11	10,11,12,13	14,15,16,18	7,8,9,3	10,11,12,13	9,11,12	<15,20,21,26	13,14,14.2	16,18,19	8,9,12	12,13,14	X,Y	11,12	20,21,23
4.01.03 ++	Swab of side B of hammer head (Lab ID 10.03)	12,13 (14)	30 (33.2)	11 (10)	10,11,12,13	14,18 (15,16)	7,9,3 (8)	11,12 (10,13)	9,12 (11)	<15,20 (21,26)	14,14.2 (13)	16,19 (18)	8,9 (12)	12,13,14,19	X (Y)	11,12	20,23 (21)
2	Oral swab from [redacted] Foley (Lab ID 2)	13,14	33.2	10,11	10,12	15,16	7,8	10,13	11,12	21,26	13,14	18,19	8,12	13,19	X,Y	12	20,21
6	Oral swab from [redacted] Foley (Lab ID 5)	12,13	30	11	11,13	14,18	7,9,3	11,12	9,12	<15,20	14,14.2	16,19	8,9	12,14	X	11,12	20,23
7	Oral swab from Gregory Foley (Lab ID 6)	12,14	30,33.2	11	12,13	15,18	8,9,3	12,13	11,12	20,26	14,14.2	19	8,9	13,14	X,Y	12	20,23

() = minor DNA types
Bold = major DNA type

++ Profiles from report dated 1/28/14 issued by Kelly Hensley.

*The profile from this evidence item will be entered into the appropriate level of the Combined DNA Index System (CODIS).

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(CONTINUED)**

Swab of side B of hammer head (item 4.01.03)

The DNA profile obtained from item 4.01.03 is a mixture of DNA from at least two people. [REDACTED] Foley matches the major DNA profile, where distinguishable. The estimated frequency of occurrence* of the major DNA profile obtained from item 4.01.03 is approximately 1 in 18 quadrillion.

Caucasian	1 in 18 quadrillion
African American	1 in 810 quadrillion
Hispanic	1 in 110 quadrillion

(The following genetic locations were not used for this calculation: CSF1PO or D18S51.)

Milford Foley is included as a possible contributor to the minor component of this mixture. Given the DNA profile observed in this sample and assuming [REDACTED] Foley and one other person are the contributors of the DNA, you may consider the following two possibilities:

1. The DNA profile observed in (item 4.01.03) is a mixture of DNA from [REDACTED] Foley.
2. The DNA profile observed in (item 4.01.03) is a mixture of DNA from [REDACTED] Foley and an unknown individual.

Finding the DNA profile observed in (item 4.01.03) is at least 200 billion* times more likely if the DNA on the item is from [REDACTED] than if the DNA on the item is from [REDACTED] and an unknown individual.

Caucasian	4.4 trillion times more likely
African American	200 billion times more likely
Hispanic	850 billion times more likely

(The following genetic locations were not used for this calculation: D7S820, D16S539, vWA, TPOX, D5S818, or FGA.)

This is extremely strong evidence in favor of the first possibility.

Assuming only two contributors and that one of those contributors is [REDACTED], Gregory Foley can be excluded as a possible contributor. Assuming more than two contributors, no conclusions can be drawn as to an inclusion or exclusion of Gregory Foley as a possible contributor to this mixture of DNA due to the shared DNA types between him and [REDACTED]

*All calculations are based on three major U.S. population groups.

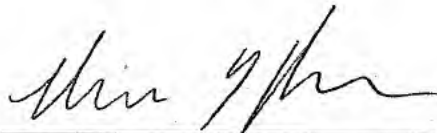
**SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
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SDSD CASE# 13006332 - AGENCY CASE# 13011784
(CONTINUED)**

DISPOSITION OF EVIDENCE:

All items were returned to the SDSD property and evidence unit.

Extracted and amplified DNA samples will be retained in the Forensic Biology section of the Sheriff's Crime Laboratory.

Analyst



3/24/14

MICHELLE Y. HASSLER, CRIMINALIST

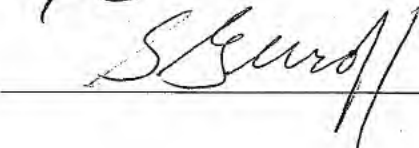
REPORT DATE

Technical Reviewer



3-25-14

Administrative Reviewer



Date
3/25/14
Date